PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 465 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

SECOND SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2006–2007

COMPRISING PERIOD
22 October—30 October 2007

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22 October 2007

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 465**

THIRTEENTH VOLUME OF SESSION 2006-2007

House of Commons

Monday 22 October 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

MESSAGE FROM THE QUEEN

ELECTORAL COMMISSIONERS

Vice-Chamberlain of Her Majesty's Household (Liz Blackman): I have to inform the House that the address of 18 July, praying that Her Majesty will appoint as electoral commissioners: (1) Maxwell Marshall Caller CBE for the period ending on 31 December 2011; (2) Henrietta Campbell CB for the period ending on 31 December 2011; (3) Ian Maxwell Kelsall OBE with effect from 19 January 2008 for the period ending 31 December 2012; and (4) John McCormick with effect from 19 January 2008 for the period ending on 31 December 2012, was presented to Her Majesty who was graciously pleased to comply with the request.

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Private Security Companies (Iraq)

1. **Willie Rennie** (Dunfermline and West Fife) (LD): How many private security companies in Iraq are operating under British licence. [159393]

The Secretary of State for Defence (Des Browne): There is no British licensing regime for private military and security companies, so the answer is none. However, for completeness, let me add that the Ministry of Defence does not have any contracts with such companies in Iraq, and we have no plans for any.

Willie Rennie: Will the Secretary of State update the House on plans for a system of industry regulation, especially as the Government first proposed it five years ago? What discussions has he had with the Americans on taking a common approach, following the Blackwater incident? In such a volatile environment, is he not concerned that the unprofessional and reckless activities of security companies could prove disastrous and endanger the lives of more civilians, and of members of our forces?

Des Browne: First, no private military and security company operating under British Government contract—there are three such companies operating under contract for other Departments—has ever been implicated in the death or injury of any innocent Iraqi civilians as a result of the discharge of weapons; I should make that clear at the outset. As for the follow-up to the 2002 Green Paper, when the Lord Chancellor was Secretary of State for Foreign and Commonwealth Affairs he commissioned a review of policy options for private military and security companies. As I think hon. Members know, the review was completed in 2005, and it raised a number of complex issues that officials are considering in detail. I hope that we can work our way through those complexities shortly. Of course, when a conclusion is reached, Parliament will be informed of the detail. Hon. Members can be reassured that I discuss all aspects of our policy, and United States policy, on Iraq with my counterpart, the Secretary of Defence.

Andrew Mackinlay (Thurrock) (Lab): May I tell the Secretary of State that we did not know that there was a report within Government in 2005? The Select Committee on Foreign Affairs has been asking for and expecting a response to the representations that it made some eight years ago, following the Sandline inquiry and the problems arising from the fact that London is one of the world recruitment capitals for security firms. There is a problem with the interface and relationship between those firms and United Kingdom armed forces, and it needs to be addressed with greater expedition.

Des Browne: I think that my hon. Friend's question betrays the complexity of the issues involved. The problem is defining the activities that should be regulated, and how any regulation of overseas activities might be enforced. That is not an easy matter to resolve. Indeed, the Blackwater incident and its aftermath shows that the United States of America is struggling to do so, given that the regulation of such companies in Iraq currently depends on a coalition provisional authority memorandum. There are a number of complexities with the issue. I am anxious that they be resolved, and that we can come to the House in good time to explain how we will proceed on that area of policy.

Mr. James Gray (North Wiltshire) (Con): The Secretary of State sounds reluctant to grasp the nettle on the issue so ably raised by the hon. Member for Thurrock (Andrew Mackinlay). Surely there are two problems: that the companies are doing things that the British armed forces would traditionally have done themselves, were it not for overstretch, and that the attraction of some of the companies is such that they pull people out of our armed services to go and work for them at much higher wages. That in itself contributes to overstretch.

Des Browne: The hon. Gentleman only adds to the complexity of the issues with that qualification. It is not true to suggest that those companies, which are not all, by any stretch of the imagination, within the Government's control, do work that the British Army would otherwise do were it not for overstretch. In fact, in Iraq, the Departments that contract those companies do so to provide security for civilian operators. It is by no means correct that the Army would provide that security in any event or that other military forces would do so. There is no lack of willingness on my part or energy to work our way through the difficulties, but they are significant, and we want to try to get them right before we announce the detailed policy to the House.

Operational Deployments

2. **Mr. Crispin Blunt** (Reigate) (Con): For what period of time operational deployments are expected to require annual expenditure from the reserve. [159394]

The Secretary of State for Defence (Des Browne): The additional costs of operational deployments will be funded from the Treasury reserve for as long as the operational deployments continue.

Mr. Blunt: Given that 7,700 troops are on deployment in Afghanistan—it is rumoured in NATO that Britain will contribute more troops—and given that our ambassador in Afghanistan has spoken of a commitment that might last three decades, it is simply not reasonable to expect the armed forces to have to budget year on year, on the basis of an indefinite commitment. That money should be structured into the defence budget, and the armed forces should not have to come back to the Treasury, year in, year out for a commitment that is going to last decades.

Des Browne: If the money for operations was built into the budget, that is exactly what the armed forces would have to do: they would have to budget within that structure. At present, the armed forces are funded to provide the capability required—operations are funded from the reserve—so that they are not put into that position. May I take the opportunity to scotch the rumour on which the hon. Gentleman drew? Unfortunately, the NATO spokesman, Colonel Appathurai—I hope that I have pronounced his name properly—made an error yesterday. I will not read the detail of the document I have received, but I am happy to place it in the Library. Today, however, he gave a clear explanation in a press conference, in which he admitted that he had inadvertently misled the media yesterday, and that there were no such plans to increase the UK contingent.

Mr. Bernard Jenkin (North Essex) (Con): The Secretary of State must be the only person in the House who does not understand that the armed forces are overstretched and under-resourced for the commitments that they have undertaken. When is he going to face up to the fact? If the military has to cancel 10 per cent. of its training every year, the resources are clearly not available for it to do the job and be trained for the job that it is meant to do?

Des Browne: Statistics show that the number of training events is increasing every year. For the year 2004-05, the total of planned training events was 379; for 2005-06, it was 533; and for 2006-07, it was 699. I accept that some of those events were cancelled, but the percentage of cancellations has decreased. I accept, too—I have said so at the Dispatch Box—that we are asking the military to do a significant amount, which has an effect. I have also explained time and again what we plan to do to reduce that pressure.

Dr. Julian Lewis (New Forest, East) (Con): Have not the Government failed in their attempts since 2004 to produce a defence-specific inflation index? They keep trumpeting the fact that they have given the armed forces 1.5 per cent. more than the general level of inflation, but the Royal United Services Institute calculates that defence equipment projects run at 5 to 10 per cent. above the general level of inflation. Does that not mean that the Government's claim that they are spending more on defence in real terms is simply a load of hogwash?

Des Browne: It is not a load of hogwash. I have given the figures, and the Opposition spokesmen must accept, however reluctantly, that there have been real-terms increases. The Opposition face a problem, as there is a £6 billion hole in their spending plans. In our policy debate last Tuesday, I invited the hon. Member for Woodspring (Dr. Fox) to say from the Dispatch Box whether he would match or improve our spending plans. Given that he said he was prepared for an election a couple of weeks ago, the Opposition face a challenge—will they spend more than us and, if so, on what will they spend less?

Afghanistan

3. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What recent assessment he has made of the security situation in Afghanistan. [159396]

The Secretary of State for Defence (Des Browne): The security situation in Afghanistan is stable, if fragile in places. The Afghan national army and the international forces are helping to extend the authority of the Government of Afghanistan, although there remains a threat from suicide attacks and local ambushes.

Mr. Evennett: Do the Government still believe that the Taliban do not constitute a strategic threat? If so, will the right hon. Gentleman explain why 2.7 million rounds of ammunition were used between June 2006 and September 2007?

Des Browne: There is no correlation between those two issues. Yes, I believe that the Taliban do not pose a strategic threat to the Government of Afghanistan. They are able to carry out some forms of attack, in particular asymmetric attacks, as they are called—suicide bombings and others—that are difficult to defend against. They know that, and those attacks generate a degree of threat that we are trying to deal with, albeit with some difficulty. Otherwise, every time the Taliban have faced up to the forces of the international security assistance force—ISAF—they have been overmatched and defeated. That has happened for a number of reasons, not the least of which is that we have been prepared to use a significant amount of ammunition against them.

Mr. Lindsay Hoyle (Chorley) (Lab): Does my right hon. Friend agree that we are facing a huge threat and that day in, day out UK forces have to face the threat in Afghanistan that should be shared among our NATO partners, to ensure that they take more of the weight? Does he agree that it is time for them to stand up and be counted?

Des Browne: I agree that NATO needs to live up to its collective commitment. My ministerial colleagues and I regularly raise the subject when we speak to our partners. It will continue to be raised to ensure that increasingly they live up to those commitments, and there has been some movement on the part of some of our allies.

Mr. James Arbuthnot (North-East Hampshire) (Con): NATO's own statement of requirements says that we need thousands more troops on the borders of Afghanistan and Pakistan. Does the Secretary of State accept that we cannot be as effective as we would like to be without those extra troops? Does he agree that there is a risk that, over the next few months, we might find ourselves losing the ground that we have already taken and have to fight to get it back again later on?

Des Browne: The right hon. Gentleman properly raises an issue that the commander of ISAF raised in a recent interview. It is a concern that if we are unable to hold on to the ground that we have managed to secure, we will have to do exactly as the right hon. Gentleman says. However, like most hon. Members, he knows that our ability to secure and hold that ground is mostly a function of our ability to train and mentor Afghan security forces, both the army and the police, to do that. Unless we can make the Afghan security forces capable of holding on to that ground, we will find ourselves repeatedly in that situation, although I do not think we will do so because we are making progress in mentoring and training.

Security issues in respect of the Afghan-Pakistan border feature significantly in our dialogue in NATO and with Pakistan. I recognise that additional forces are needed for that part of the country, but the security will have to be effective on both sides of the border, as the right hon. Gentleman well knows.

Hugh Bayley (City of York) (Lab): At a meeting of the NATO Parliamentary Assembly earlier this month, MPs from the Netherlands and Canada reported that their Parliaments would reconsider their countries' commitments to ISAF, and particularly to deploying to more dangerous regions of Afghanistan because of fears about unequal burden-sharing. The Secretary of State has already said that he shares that concern. What discussions has the North Atlantic Council had about burden-sharing, and how does he think policies could be changed so that it is more even?

Des Browne: It is a question not of changing policy but of NATO allies living up to the collective commitments to which they have signed up. I am well aware that the Netherlands and Canada must go through parliamentary processes that their Governments promised their Parliaments in order to consider extending their commitments beyond certain dates—I cannot remember the specific dates, but they are in 2008 or 2009. I am confident that they will get the support from other allies that will allow them to get through that political process. While I am at the Dispatch Box, I want to pay tribute to both those countries, which have made a significant contribution in difficult circumstances to securing the southern part of Afghanistan. That issue is constantly discussed both in the NAC and when Ministers meet, as NATO Ministers will at an informal session later this week.

Richard Younger-Ross (Teignbridge) (LD): Security in Afghanistan will clearly improve if reconstruction work is progressed. It is believed that the MOD report on Operation Herrick was very critical of construction work. Both the Defence Committee and the Foreign Affairs Committee have requested copies of that report to allow them to scrutinise in detail what is going on in Afghanistan. Will the Secretary of State make the report available to those Committees?

Des Browne: I will consider the request from the hon. Gentleman, and I would consider such a request from the Committee, if I were to receive one.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): Does my right hon. Friend agree that security in Afghanistan is a result of not only the number of troops, but their operational capability? Will he outline improvements for troops in terms of vehicles and other equipment to improve their operational capability?

Des Browne: Recently, significant improvements have been made in the protected vehicles that are available to our troops. We have not quite got the numbers of vehicles into the operational theatre that we plan to, but we are making significant progress. Last week, I went to see Brigadier Lorimer and representatives from 12th Mechanised Brigade, which has just returned from Afghanistan, and they spoke very highly of those vehicles and of the Mastiff vehicle in particular. Hon. Members will be aware that the Prime Minister's recent announcement about the procurement of Mastiff vehicles means that we expect to deliver more than 400 of them over the next two years. The majority of them will go to Afghanistan, but some will be used for pre-deployment training.

Ann Winterton (Congleton) (Con): The MOD is to be congratulated on the deployment of the Warrior armoured fighting vehicle to Helmand province, which is proving to be a great success. Will the Secretary of State ensure as a matter of urgency that more of those vehicles are deployed throughout the theatre in support of the infantry?

Des Browne: I am grateful to the hon. Lady for recognising that improvement in force protection and the effectiveness of our troops. I discussed that very issue with Brigadier Lorimer on Friday, because it was on his recommendation that we first considered deploying Warriors. No request has been made for additional Warriors from commanders or the military, but if a request is made—Brigadier Lorimer agrees with the hon. Lady and suspects that a request will be made—I will consider it in the same way as I considered the first request.

Mr. David Kidney (Stafford) (Lab): My right hon. Friend has mentioned the work that is being done to train Afghanistan's own security forces. Are there enough trainers in the country at the present time, and, if not, what can be done to supply more?

Des Browne: There are not enough trainers in the country. For example, there are about 1,800 police trainers in Kosovo, which is about the size of Wales. The EU commitment to Afghanistan for police training on the civil side amounts to some 160 trainers, of whom 60 have been deployed. At a recent informal meeting of EU Ministers, I described that as a flea on the back of an elephant. If we are to match up to the challenge that we have generated for ourselves in the international community, we need to do much better on police trainers.

Sir Peter Tapsell (Louth and Horncastle) (Con): Will the Secretary of State give careful thought to the thesis that the longer foreign troops unavailingly remain in southern Afghanistan, the greater the likelihood that Pakistan will turn into a fundamentalist, Islamic, hostile state, with the result that it will be a more immediately potent nuclear threat than even Iran?

Des Browne: To my surprise, the hon. Gentleman asks me to look forwards and not back, and I am grateful for his invitation to do so. The longer our troops in Afghanistan stay in their present configuration, doing what they need to do, the more testing it will become for them to sustain the support of the local people. I accept and understand that. All the military commanders and everybody who knows about insurgencies understand that the support of the local community is very important.

There are serious concerns about developments in Pakistan. Only last week, there was evidence of the reach of insurgents and extremists in the country, and of their ability to overcome significant security. With respect to the hon. Gentleman, I do not agree that our presence in southern Afghanistan is generating the dangers that emanate from Pakistan. The environment is complex, and we would all do well to make our best contribution to try to stabilise Pakistan.

Dr. Liam Fox (Woodspring) (Con): It is woefully disappointing that some of our allies are not pulling their full weight in Afghanistan. Moreover, there is the question of the unfair funding mechanism, through NATO, under which not only does Britain carry a disproportionate military burden, but our taxpayers carry a disproportionate financial burden. In the expectation that that unacceptable situation will continue, if the Government have not begun planning, or developed plans, for more British troops to be sent to Afghanistan, how do they think that the NATO gap will be filled—and by whom and in what time scale?

Des Browne: The hon. Gentleman and I largely agree on the issue of NATO living up to its commitments. As far as the NATO alliance is concerned, my priority is to get it to accept that it should live up to its commitments. I continually discuss with the Secretary-General, the Secretary of Defence and other allies present in the south how we can get other countries to increase their presence. As the hon. Gentleman knows, we have had some success. Solving the issue through changing the funding mechanism would bring other challenges, which the hon. Gentleman will understand; if we move from the position of the costs lying where they fall, we might find ourselves having to encourage countries to increase their investment in their own capability as well. All such decisions have a cost.

Our intention to get the necessary force levels in Afghanistan involves a combination of sustaining our level of commitment to the country and encouraging our allies to increase theirs; principally, however, it involves training Afghan forces to be able to take over responsibility in their own country. We are doing that at quite a pace.

Dr. Fox: Hon. Members on both sides of the House will know of the widespread speculation that substantial numbers of Iranian-made explosively formed projectiles, or EFPs—the most lethal form of roadside bomb—have been supplied to the Taliban in Afghanistan. It is unbelievable that the Iranian Government would not know about those consignments. What is being done locally and internationally to stop such murderous attacks emanating from Iran on our armed forces?

Des Browne: I will not share all the relevant information with the House, but if the hon. Gentleman wants further briefing on the issue I shall be happy to give it to him on the appropriate basis. He knows exactly what we are doing to try to stop that dreadful, deadly traffic. He knows the degree of success that we have had; on some occasions, we have made that success public for obvious reasons.

The hon. Gentleman is right about that equipment; indeed, there is also training of insurgents deployed into Afghanistan by the Iranians. I agree with him: I do not for a moment accept that all that is not known. If it is not known, I still think that the Iranian Government have to take responsibility because they have created a complexity of circumstances in which there is deniability.

We must apply pressure on all levels, including diplomatic pressure—particularly in the region, where significant pressure on Iran is most effective. The Afghan Government themselves are giving that message to Iran. The irony is that although Iran does those things, it also does many positive things in Afghanistan. Like its relationship with Iraq, its relationship with Afghanistan is complex. The House can rest assured that the issue is uppermost in my mind and those of my ministerial colleagues.

Military Covenant

4. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): If he will make a statement on the upholding of the military covenant. [159397]

6. **Sir Michael Spicer** (West Worcestershire) (Con): If he will make a statement on the upholding of the military covenant. [159399]

7. **Anne Milton** (Guildford) (Con): If he will make a statement on the upholding of the military covenant. [159400]

The Minister for the Armed Forces (Mr. Bob Ainsworth): We are fully committed to meeting our responsibilities for serving personnel, veterans and their families. Over time, we have made improvements to service pay, accommodation, health and welfare provision, force protection and personal equipment. However, we recognise that more can be done.

Mr. Hands: The Royal British Legion says:

> "we believe that certain aspects of the Military Covenant are not being delivered and that the Nation must now bring about change to ensure that our Service people and their families get the support they deserve."

One of the things that it pinpoints is the armed forces compensation scheme, which it says will make

> "receiving compensation for death, injury or illness caused by Service significantly more difficult."

Does the Minister agree?

Mr. Ainsworth: I do not agree. My hon. Friend the Under-Secretary has had several meetings with the legion and has asked it to provide instances of where claiming compensation has been made difficult so that we can consider them. The burden of proof is at an acceptable level, and there is no evidence that there are difficulties. The level of compensation has been increased and improved by the introduction of the up-front payment to supplement the pension, which was not available at all until a year or so ago.

Sir Michael Spicer: Why has the burden of proof for compensation been shifted from the Secretary of State to the wounded soldier?

Mr. Ainsworth: The burden of proof is on the balance of probabilities. That is the same level of proof that is required under other schemes run by the Government, and it is not onerous, in my opinion. As I said, my hon. Friend the Under-Secretary has asked the legion to identify cases where people had difficulty in claiming compensation, and if they can show that they had difficulty we will address the matter. We are not going to walk away from this. We do not believe that the burden of proof presents a problem, but if evidence shows that it does, we will look at that evidence.

Anne Milton: I think that the Minister is in denial. There are 775 outstanding cases of injury compensation and 63,000 outstanding claims under the war pensions scheme. Does he honestly believe that those figures paint a picture of a Government who are committed to the military covenant?

Mr. Ainsworth: Thousands of claims have to be processed each year. Some of them are relatively simple and straightforward and can be dealt with in a short period; others relate to people with enormously complex injuries, and that inevitably lead to delays in making an assessment. We have to do the maximum that we can to deal with these claims as quickly as we can, but they must be dealt with properly and thoroughly; I would have thought that that is what the hon. Lady wanted.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): One of the areas where there is significant scope for improvement in honouring the covenant is mental health services. What steps is my right hon. Friend taking to ensure that that happens?

Mr. Ainsworth: We have increased the funding that we offer to Combat Stress, which is an organisation that helps us in this respect. We have introduced assessments for all people who go into and out of theatre to try to ensure that we improve the assessment of the mental health of those who are faced with these circumstances. We are also introducing, through pilots in the first instance, across-the-board mental health facilities to cover all the regions of the United Kingdom to ensure that we pick up mental health issues as and when they arise and that we know exactly what problems face our ex-military personnel in the years to come.

Sandra Osborne (Ayr, Carrick and Cumnock) (Lab): I congratulate the Royal British Legion on its campaign, because there is always more that can be done to support our veterans. I thank the Minister for the increased funding for Combat Stress, and especially for Hollybush house in my constituency. Will he join me in congratulating Hollybush house on the opening of its new wing last week? Along with the extra funding, that will greatly increase its capacity to support veterans who have mental health problems as a result of serving their country.

Mr. Ainsworth: I thank my hon. Friend for the support she gives to Combat Stress, which I know is based in her constituency. I welcome her comments on the Legion's campaign. We, too, welcome it; we have no problem with the Legion using its power and influence to raise such issues throughout the country. It is sad, however, if people want to use its campaign for party political purposes. We ought to be working together to raise such issues, which are perfectly legitimate, in the country as a whole.

Mr. Kevan Jones (North Durham) (Lab): One of the most-cited elements of the covenant is the way in which the country deals with those wounded in action. Despite the unfair criticism of Selly Oak hospital by Opposition Front Benchers in last week's defence debate, I am sure that the Minister will agree with the Chief of the Defence Staff, who said in March 2007:

> "There is nowhere better in the country, nowhere more expert at polytrauma medicine than the hospital in Selly Oak, that's why our people are there."

Mr. Ainsworth: That is exactly right. That is the opinion of the Chief of the General Staff and, overwhelmingly, of people who visit the facilities at Selly Oak. The comments made during the debate the other day were unfortunate, and they have not yet been withdrawn. Off the back of an individual case, the details of which were inaccurate, a slur was effectively cast on the people who work there.

Mr. Roger Gale (North Thanet) (Con): Does the Minister regard looking after the bereaved families of fallen servicemen and women as part of the military covenant? If he does, can he explain why it is still the case that no payment is made to bereaved families to enable them to be legally represented at inquests?

Mr. Ainsworth: I accept that that is part of the military covenant. We must ensure that we give all appropriate support to the bereaved relatives of our service personnel, and we do. However, coroner's court appearances are not of such a nature that people should expect to be represented legally. The system is an inquisitorial one designed to get to the facts. It is not a system in which people automatically clash with the views of the Ministry of Defence at the hearings.

Mr. Brian Jenkins (Tamworth) (Lab): My right hon. Friend recognises that the covenant is between the armed forces and the people of our countries. The Government are a part of that contract. Does he believe it is enhanced by politicians in this House and outside using the military as a political football by misquoting military leaders to score cheap party political points?

Mr. Ainsworth: No, I do not. If people begin to use this debate in that way, they will detract from what we ought to be doing. All Members of this House, irrespective of party, should join this debate and help to facilitate what is needed: the maximum connection between our armed forces personnel, who are doing a tremendous job on behalf of this country, and the nation as a whole, many of whom do not understand and appreciate the full extent of the sacrifice and the service that is being given.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): A disproportionately large number of our homeless on the streets of London and other cities in the United Kingdom are former servicemen and women. I commend the work of the Sir Oswald Stoll Foundation and Veterans Aid—two marvellous charities that are helping with that. Is the Minister aware of the growing campaign for a national veterans centre in London to act as a one-stop shop, whether simply for veterans to make links with their old regiments or for the homeless to go and try to find somewhere to stay for the night? Is he prepared to meet representatives of the charities to push forward the campaign?

Mr. Ainsworth: Lots of charities are working on the matter and doing a fantastic job, and we should do everything we can to encourage them in their work. My hon. Friend the Under-Secretary meets them regularly. I am more than happy not only to meet the people concerned but to consider any ideas. We are prepared to consider any suggestions for assisting our former service personnel.

Nick Harvey (North Devon) (LD): Does the Minister agree that one of the obligations that we owe our servicemen is confidence that when they serve on the front line, their families are being adequately housed and looked after at home? Does he recall that in 2001 the defence housing executive was aiming to get all family accommodation up to standard 1 by November 2005? That date has been and gone, and we now have a 10-year programme, which, according to the Secretary of State, would necessitate £50 million a year being spent on family accommodation. Does the Minister realise that in the 12 months to April this year, only £16 million was spent? At the rate that things are happening, rather than being talked about, it could take 50 years to bring service family accommodation up to scratch. Given that the Government have sold £2.2 billion of assets since 1999, would not it be an idea for a guaranteed proportion of those capital asset sales to be ring-fenced in future for reinvesting in the Ministry's estate of houses?

Mr. Ainsworth: The hon. Gentleman is right that a big job continues to be necessary on the estate for service family accommodation and single living accommodation. However, he should not undervalue the amount of work being done, the amount of money being spent and the size of the continuing building programme. In the past year alone, £700 million was spent. As my right hon. Friend the Secretary of State said, there is a plan for £5 billion to be spent in the next 10 years. However, we will not put right decades of neglect overnight. The hon. Member for Colchester (Bob Russell) points at Conservative Members, and during their reign practically no investment was made in service living accommodation. The matter is being addressed, but it will not be sorted out overnight.

Sarah McCarthy-Fry (Portsmouth, North) (Lab/Co-op): My right hon. Friend knows, because he visited Portsmouth naval base a couple of weeks ago, that we have made an excellent investment in single living accommodation in Portsmouth. Will he confirm that this Government did not sell off MOD housing stock at a knock-down price, or leave the MOD to pick up the maintenance costs?

Mr. Ainsworth: Part of the problem is that we are living with the Annington Homes contract to this date. That adds complexity to dealing with family living accommodation. We are getting on with the rebuilding programme for single living accommodation and making improvements in service family accommodation, but the Annington contract has been a big part of the problem.

Dr. Andrew Murrison (Westbury) (Con): In Iraq 7.4 Americans are wounded for each fatality, whereas the official UK figure is 1.6. What explanation of that gross disparity can the Minister offer other than the obvious one, which is a failure by the Ministry fully to reflect the casualty burden that our armed forces sustain?

Mr. Ainsworth: Since I have been in this post, I have heard repeated allegations that somehow injured service personnel are not adequately reflected in the figures. I have heard all sorts of scurrilous things, such as that we are deliberately trying to hide the extent of our injured service personnel. I have seen no evidence of that. I continue to be prepared to examine anything that anyone has said. If anyone can provide evidence that we are under-reporting—*[Interruption.]* I heard the hon. Member for Westbury (Dr. Murrison) make scurrilous claims last time he was at the Dispatch Box, and I do not know whether he wants to do that again—

Mr. Speaker: Order. Perhaps we can use more temperate language.

Mr. Ainsworth: I will try to do that, Mr. Speaker, at your direction.

I say to the hon. Gentleman in all seriousness that if he or anyone else has evidence that there is a problem with the reporting mechanism, let us have it. We will look at that evidence and see whether we can put the problem right. Looking at what is needed for the purpose of treating our injured service personnel must be the priority. I see no evidence for the many claims that are made—indeed, continuing right up to this morning—and which have been quite adequately dealt with by my hon. Friend the Under-Secretary.

Afghanistan

5. **Paul Flynn** (Newport, West) (Lab): What assessment he has made of the effectiveness of UK operations in Helmand province. [159398]

The Secretary of State for Defence (Des Browne): The UK armed forces in Helmand continue to defeat the Taliban tactically, while supporting Foreign and Commonwealth Office and Department for International Development programmes to improve governance and provide reconstruction. UK armed forces continue to provide mentoring and assist in the development of the Afghan security forces, as part of our long-term goal to ensure that the Afghans can take responsibility for their own security.

Paul Flynn: Of course there have been successes in Helmand, but there have been dreadful failures, too. The main one is the totally unexpected scale of the deaths of our valiant soldiers—18 died during the parliamentary recess—as well as the deaths of Afghan civilians. Those are uncounted, and are mostly women and children killed by American bombs. The result of that is that we are losing the crucial battle for hearts and minds, to the extent that many of the Afghans who welcomed us in 2001 and were glad to see the Taliban out of their country are now preparing to welcome the Taliban back, because they do not want to live in a country that is at war without end.

Des Browne: I assume that there was a question in there at some point, Mr. Speaker, so I will treat it as if it had a question mark at the end of it. My hon. Friend is consistent in his opposition to our deployment in Helmand province. We have debated the issue on numerous occasions. We will have to agree to disagree about it, although I think that we can agree that he ought to report accurately the success of our troops in Helmand province.

As I have told the House already this afternoon, I spent a good part of Friday with a fair representation of 12th Mechanised Brigade, which has achieved a considerable amount over the period to which my hon. Friend referred. Those soldiers, their commanders and their commanding officer, Brigadier Lorimer, are in no doubt that they left a large part of Helmand province in a much better state, in terms of security and reconstruction, than they found it six months ago. I will not have people in the House categorising that as failure. It is not failure; it is significant success.

Robert Key (Salisbury) (Con): Given the number of deaths in Helmand province that result in the repatriation of bodies to Wiltshire—cases that it falls to the Wiltshire and Swindon coroner to pursue—may I say how grateful Wiltshire is that the budget has been addressed, and that a greater effort is being made by the Ministry of Justice? However, will the Secretary of State say whether the forthcoming coroners Bill will contain any proposals to address the extraordinary anomaly whereby servicemen who, unfortunately, die overseas must have an inquest in England but not in Scotland? Should there not be special provision for military deaths to be treated either with a special military coroner—perhaps at the Bulford centre—or in another way that gives more consideration to the families of the bereaved than we are able to give at present?

Des Browne: I thank the hon. Gentleman for his contribution and his sustained interest in this issue. I also thank him for his recognition of the importance of the additional resources that both the MOD and the Ministry of Justice are providing to support the coroner in Wiltshire. I am confident that those resources, as well as the increased resources in Oxford, will help him to address the increased burden of work that he currently faces as a result of the repatriation of bodies.

The hon. Gentleman addresses an issue that we have known about for some time, a resolution to which we have been discussing with the Scottish Executive. The fact of the matter is that there is no jurisdiction in Scotland for the investigation of deaths abroad. I noted recently that in answer to questions about fatal accident inquiries—the Scottish equivalent of coroner's inquests—the minority Government Justice Minister in Scotland said that he had no intention of changing the law in relation to them. I hope that he did not really mean that, and that his answer was perhaps just a line that an official had given him, which he had not thought about. We certainly continue to discuss the issue, because we are anxious that families based in Scotland will have the opportunity, in such terribly unfortunate circumstances, to have inquiries conducted near to their homes, as can happen in England and Wales.

Mrs. Linda Riordan (Halifax) (Lab/Co-op): Will the Minister outline any potential difficulties that the increase in internal problems in Pakistan might cause for troop deployment to Helmand province, given Britain's commitment to driving out the Taliban?

Des Browne: As I said earlier, I do not accept that there is necessarily a correlation between our deployment in Afghanistan and the troubles that are internal to Pakistan. I have no doubt that some of the same actors in the insurgency are involved on both sides of the border, and since I first took responsibility for our deployment in Afghanistan as Secretary of State for Defence, I have been in no doubt that there is cross-border traffic from Iran that causes some of the difficulties related to the insurgency. We need to see stable government, progressing towards a democratic Government, and Pakistan is capable of addressing the issue of extremism in that country. However, we should not underestimate the scale and nature of that challenge, and some of the things that we have seen on our television screens over the past week have shown just how difficult it is going to be.

Adam Price (Carmarthen, East and Dinefwr) (PC): Has the Secretary of State had a chance to review the comments made last week by the German Defence Minister, Mr. Franz Josef Jung, in which he criticised the British policy of holding talks with supporters of the Taliban in Musa Qala? When the Secretary of State meets Mr. Jung at the NATO conference, will he point out that if Germany had its troops on the front line in Helmand rather than in the relatively peaceful north, he would appreciate, just as British military commanders do, that this strategy of engagement is essential if we are to have any long-term hope of resolving the conflict?

Des Browne: I have very productive discussions with the German Defence Minister, who is committed to the support of NATO operations in Afghanistan. I suspect that the hon. Gentleman is a supporter of the electoral method that generated the coalition that is governing Germany, and I must point out that the Defence Minister's need to operate within that coalition often makes it quite difficult to achieve all that he wants to achieve on the basis of his own politics. Also, with all due respect to the hon. Gentleman, and while I hear what he is saying, the approach that he suggests might not be as successful as he thinks. He is a great loss to the diplomatic corps if he thinks that it would benefit our troops in Afghanistan to approach the German Government in that fashion. Finally, Musa Qala has not turned out to be a success because it was unsustainable by the Afghan Government, but in my view, that kind of local agreement, which allows the Government to take care of their own areas, has to be the basis for moving forward. I am sure that there will be circumstances in the future in which we will make progress and then see it fall away; we will need to learn to cope with that.

Merchant Navy

8. **Mr. Stephen Hepburn** (Jarrow) (Lab): If he will make a statement on the merchant navy's role in defence. [159401]

The Minister for the Armed Forces (Mr. Bob Ainsworth): The main defence role of the merchant fleet is to support and supplement the naval fleet and to participate in reinforcement and resupply operations. To this end, certain British ships, including roll-on/roll-off vessels, product tankers and passenger vessels, are designated as strategic ships.

Mr. Hepburn: Is the Minister aware that in the past 30 years the number of British-registered merchant ships over 500 tonnes has been reduced from 1,600 to 300, and the number of British-registered merchant seamen has been reduced from 90,000 to 16,000? Given the importance of the merchant navy to defence, does he share my concern about that? Is he having discussions with any other arm of government on reversing those bad results?

Mr. Ainsworth: I do not know exactly what my hon. Friend is saying. My figures are certainly different from his, so perhaps we should talk further about this matter afterwards. In my recollection, my right hon. Friend the Member for Kingston upon Hull, East (Mr. Prescott) made some changes in the legal arrangements, which I know he is proud of. It is widely acknowledged within the merchant fleet that that did a lot to increase the amount of tonnage under British flags. My figures show an increase of 148 per cent. in flagged British ships since the year 2000. I also have a different set of figures for merchant seafarers, according to which there are 27,000, rather than the number suggested by my hon. Friend. Perhaps he and I should get together to ensure that we are talking about the same thing, by cross-referencing our information.

Reserve Forces

9. **Simon Hughes** (North Southwark and Bermondsey) (LD): How many reservists there were in the armed forces in 1997; and how many there were on the most recent date for which figures are available. [159402]

The Minister for the Armed Forces (Mr. Bob Ainsworth): As of 1 April 1997, there were a total of 322,100 regular and volunteer reservists; and as of 1 April 2007, there were approximately 206,200. Those numbers are made up of volunteer reservists, such as the Royal Naval Reserve and the Territorial Army, and regular reservists—ex-regular personnel who retain a reserve liability.

Simon Hughes: The residents of Bermondsey and Walworth are, like me, proud of the Royal Marines and the Army reservists who are based in our communities. Colleagues around the country will feel the same. Is it policy or accident that the number of reservists has gone down by a quarter during the period of the Labour Government, and the number in the Territorial Army by more than a third? We heard the other day that, because of defence cuts, the Royal Monmouthshire Royal Engineers have been told that they cannot recruit any more reservists, so can the Minister confirm that no other regiment or unit is being held back from recruitment? Many people want to contribute to the country in this way, which has the potential hugely to enhance our capacity at home and abroad.

Mr. Ainsworth: The hon. Gentleman's question throws up a couple of points. Back in the late 1990s, the strategic defence review did call for a decrease in the number of reservists, because the nature of defence and defence jobs was changing quite substantially. The 1997 figures were distorted by the fact that in the preceding years there had been big cuts in the regular Army, which led to a residual reserve capacity in 1997 that has obviously changed with time. I wholly agree with the hon. Gentleman that we need to encourage more people to get involved with the reserves. There is currently under-recruitment there, which we need to continue to redress. We all need to work within our communities to ensure that we do the maximum we can to reap the benefit from the huge willingness of so many people to participate in the various branches of the reserves.

Mr. Gerald Howarth (Aldershot) (Con): Earlier this year, the Chief of the General Staff, Sir Richard Dannatt, in an internal Ministry of Defence note, expressed the following concern:

> "Our reserves to meet the unexpected (as well as for current operations) are now almost non-existent…We now have almost no capability to react to the unexpected".

Is that not a shocking indictment of this Government's stewardship of our armed forces?

Mr. Ainsworth: It is not the view of the chiefs of the defence staff that we are asking more than is possible of our armed forces. We, as Ministers, share the concern that our armed forces are extremely busy and that there is not a great residue of capacity left aside. We all know that we have two current operations going on. Perhaps the hon. Gentleman is saying that all our armed forces are working extremely hard. No one is trying to hide that at all, but we are dealing with the situation, and our armed forces are dealing with it in an exemplary fashion.

Intergovernmental Conference (Lisbon)

3.30 pm

The Prime Minister (Mr. Gordon Brown): With permission, Mr Speaker, I want to make a statement about the outcome of the informal European Council in Lisbon. The new agreed text of the amending treaty to support the enlargement of the European Union has been placed in the Libraries of both Houses.

Alongside the treaty, it was agreed at Lisbon that the priority for the European Union must now be the global challenges that we face in relation to employment, prosperity, competitiveness, climate change and security. Today—in a document, "Global Europe", published this afternoon and available to the House now—the Government set out how we will advance those new priorities in the future.

The mandate for the IGC made it clear that "the constitutional concept"—*[Interruption].*

Mr. Speaker: Order. The Prime Minister is making a statement, and it is not helpful for hon. Members to intervene.

The Prime Minister: The mandate made clear that

> "the constitutional concept, which consisted in repealing all existing Treaties and replacing them with a single text called 'Constitution', is abandoned".

My intention throughout the summer and autumn of negotiations has also been to ensure that the detailed safeguards for the British national interest are written into the text of the treaty. I invite the House to examine in detail both the treaty and the protections that we have secured by our insistence on special treatment for the UK in a range of areas where our national interests demand it.

First, I will ensure that Parliament has the fullest opportunity to examine the protocol on the charter of fundamental rights. The protocol, which is legally binding and enshrined in the treaty itself, provides an essential safeguard for the UK. It states that

> "the Charter does not extend the ability of the Court of Justice, or any court or tribunal of the United Kingdom, to find that the laws, regulations or administrative provisions, practices or action of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that the Charter reaffirms".

The legally binding protocol ensures that nothing in the charter of fundamental rights challenges or undermines the rights already set out in UK law. The treaty also ensures that nothing in the charter extends the ability of any court, European or national, to strike down UK law. The point is reaffirmed in the protocol:

> "in particular, and for the avoidance of doubt, nothing in Title IV of the charter creates justiciable rights applicable to the United Kingdom except in so far as the United Kingdom has provided for such rights in its national law."

Secondly, we have secured in detail vital safeguards to our criminal law system and police and judicial processes, while making it possible to co-operate across borders when we choose to do so and when it is right in matters vital to our security. The safeguards are also enshrined in legally binding protocols to the treaty. They prescribe in detail our sovereign right to opt in on individual measures when we consider it in the British interest to do so, but also to remain outside if that is in our interests. In the past, for example, we have opted in on measures dealing with combating illegal immigration and the exchange of information when such measures are unquestionably in Britain's interests. The new treaty gives us freedom to protect the fundamentals of our common law system if we believe that it could be jeopardised, while at the same time allowing us to participate in areas where co-operation is in the national interest. The agreement set out in the details of the text is that it will be in our exclusive power to decide, on a measure-by-measure basis.

As a result of our recent negotiations, the opt-in now covers all types of measures, including completely new measures and amendments to existing measures. When measures come forward under the Schengen agreement, we also have the right to opt out. We can choose to participate in any and every measure, but we cannot be forced to do so. If we choose not to, there is a fair, objective and robust system for consequential changes, but no financial or other penalties. We have secured a comprehensive, legally binding opt-in on all justice and home affairs measures, which will enable the UK to choose whether or not to participate in any justice or home affairs measure in the future.

I turn to the common foreign and security policy. I welcome further scrutiny by this House of the agreements that we have secured because, again, I believe it is now absolutely clear that the basis of foreign and security policy will remain intergovernmental—a matter for Governments to decide. The intergovernmental basis is unchanged, and subject to distinct rules and procedures that protect that position. The declaration that we secured expressly states that nothing in the treaty affects the existing powers of member states to formulate and conduct their foreign policy, including maintaining their own national diplomatic services and membership of the United Nations Security Council. There is no sole right of initiative for the Commission, and there is no role for the European Parliament in decision taking. Voting by unanimity is the rule for all policy decisions. Apart from two specific and limited provisions in foreign policy—appeals against EU sanctions and, as now, any overlap, for example, with international development assistance—there is no jurisdiction for the European Court of Justice.

The declaration agreed on Friday made it clear that the European Parliament would have no new role in the appointment to the new post of high representative, which will be made by the European Council. And there will be no change to the way EU foreign policy is decided—it will continue to be governed by unanimity. There is, in addition, a clear declaration that nothing in the treaty, including the Office of the High Representative and the External Action Service will

> "affect in any way the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries, and participation in international organisations, including a Member State's membership of the Security Council of the UN."

On social security, we have secured an effective veto power on any proposals for important change. We can insist on taking any proposal to the European Council and, because it will be decided by unanimity, we have a veto where we—Britain—determine that a proposal would impact on important aspects of our social security system, including its scope, cost or financial structure. In justice and home affairs, the amending treaty gives us the right not to participate; in social security, it gives us the right to insist on unanimity.

Many qualified majority voting measures, for example, rules for the euro or special state aids for Germany, do not affect the United Kingdom. The remaining areas of QMV agreed in June are decisions on emergency humanitarian aid to third countries—manifestly in Britain's interest—and energy market liberalisation, again in our interest. Others are technical or procedural and simply relate to the efficient functioning of the Union, for example, the internal rules for appointing the Committee of the Regions, judges and the Economic and Social Committee.

While there is a two-and-a-half-year presidency of the Council, the President of the Council has been appointed as the servant of the leaders of the national Governments—and the purpose is to strengthen the Council of national Governments in relation to other EU institutions.

The new treaty also expressly provides that national security is the sole responsibility of member states. The declaration to the treaty makes it clear that while the European Union, like the UN and the International Monetary Fund, can sign international agreements, this does not, and cannot, authorise the Union in any way to legislate or act beyond the powers conferred on it by member states in the treaties.

As a result of our negotiation, we are agreed that the new text will make it clear that national Parliaments have the right, but are not obliged, to contribute to the work of the Union. Under the amending treaty, national Parliaments have a new right to force the EU to reconsider proposals if a third of Parliaments feel that the issue is better dealt with at member state level. And symbols of statehood that were the characteristic of the rejected constitutional treaty—European flags, anthems or mottos—have been abandoned in the treaty.

As I have already made clear, the Government will only agree the amending treaty in December if, in the final text, all the UK protections that I have outlined are included in the detail we have negotiated. Parliament will have the opportunity to debate this amending treaty in detail and decide whether to ratify it. The Government will recommend that there is sufficient time for debate on the Floor of the House so that the Bill is examined in the fullest of detail and all points of view can be heard—*[Interruption.]*

Mr. Speaker: Order. Mr. Penning, I must ask you to behave—*[Interruption.]* Order. Let me deal with it. It is not the first time that the Opposition have called on Ministers to come and make statements to the House. The Prime Minister is doing that. If hon. Members do not co-operate with me, I have powers to deal with the matter. I ask the House to listen to what the Prime Minister has to say. Do not shout out questions. If there are questions, I will recognise Members and let them put their questions to the Prime Minister. That is the way that we will do it.

The Prime Minister: In addition, we propose to build further safeguards into the legislation. To ensure that no Government can agree without Parliament's approval to any change in European rules that could, in any way, alter the constitutional balance of power between Britain and the European Union, we will make a provision in the Bill that any proposal to activate the mechanisms in the treaty that provide for further moves to QMV, but which require unanimity of member states, will have to be subject to a prior vote by this House.

The amending treaty will not be fully implemented until 2014. Indeed, one section does not have full effect until 2017. I can confirm that, not just for this Parliament but also for the next, it is the position of the Government to oppose any further institutional change in the relationship between the EU and its member states. In our view, there is also a growing consensus across Europe that there should be no more institutional change for many years.

The December European Council will also consider a declaration proposed by Britain that Europe moves to a new agenda. The new priorities are a focus on jobs, competitiveness, prosperity, climate change and security, so that Europe can play a far stronger part in the competitive economy of the world and be a leader and success story in the new global order. So because it is right that Europe now focuses not on more institutional change, but on the reforms that are needed to meet the challenges of the global era, we are publishing today our agenda for the new priorities that we as a European Union must adopt—a renewed focus on completing the single market, in which the priority is the liberalisation of the energy and telecommunications sectors; a commitment to free trade and openness, with the priority of ensuring a successful outcome to the world trade talks and promoting better EU-US trade links; tackling climate change and energy security; combating terrorism and organised crime; reducing global poverty; and reforming the European Union budget.

It is by putting in place those changes that we can create a truly outward-looking, globally focused European Union that helps deliver prosperity, opportunity and security for all, with an agenda that is good for Britain and good for Europe, and that allows us to continue to benefit from our membership of the European Union and, by working together, to have a greater influence in the world.

The protections we have negotiated defend the British national interest. We are putting in place new procedures to lock in our protection of these interests. We will oppose any further proposals for institutional change in the European Union this Parliament and the next. We will lead the debate in Europe to move to a new agenda of new priorities that focus on the economic and social needs of our citizens. I commend this statement to the House.

Mr. David Cameron (Witney) (Con): The Prime Minister says that he wants Europe to focus on competitiveness and climate change and is opposed to further institutional change. I have to say that people will ask why he did not say that boldly at the start of the intergovernmental conference, rather than lamely at the end of it.

[Mr. David Cameron]

There is one fundamental question arising from today's statement. When a party makes a promise in a manifesto, can it be trusted to keep it? The Prime Minister has described the Labour manifesto as an issue of trust. That manifesto promised a referendum on the EU constitution. If this Prime Minister goes back on that promise, how can he expect his promises to be believed in future? In his statement, he did not even mention that R word once. As his hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), who helped to write the constitution, said:

> "If Labour can't trust the people, why should the people trust Labour?"

First of all, let us look at the content of the treaty. Will the Prime Minister confirm that the treaty gets rid of the veto in 60 areas, including in energy, transport and self-employment law? The Prime Minister has given up on the veto but he says that is okay because he has got rid of the motto. Well, I have a motto for him: "Let the people decide".

Will the Prime Minister confirm that this treaty means an EU President and Foreign Minister and an EU diplomatic service in all but name? Will he confirm that it includes a new ratchet clause that allows even more vetoes to be scrapped without the need for a new intergovernmental conference? The Prime Minister says that there will be no more institutional change for 10 years but he has just agreed a treaty that allows institutional changes to take place every year.

The Prime Minister deploys two main arguments against holding a referendum: first, he says, the treaty is not the same as the constitution and, secondly, he says that Britain is a special case because of our opt-outs and our red lines. Let me take the two arguments in turn: first, the claim that the new treaty is substantially different from the constitution. The Irish Prime Minister says that it is 90 per cent. the same. The Spanish Foreign Minister says that it is 98 per cent. the same. The German Chancellor says:

> "The substance of the constitution is preserved...That is a fact."

Why does the Prime Minister think all of them are wrong and he is right?

What is more, is not it the case that even his colleagues do not believe him? His new trade Minister, Lord Jones of Birmingham, days before his appointment said:

> "This is a con to call it a treaty—it's not. It's exactly the same—it's a constitution."

The Prime Minister's colleagues on the Labour-dominated European Scrutiny Committee say that the EU treaty is "substantially equivalent" to the constitution, even for Britain. They say that pretending otherwise, as the Prime Minister keeps doing, is "likely to be misleading".

Next, the Prime Minister says that even if it is a constitution for other countries it is not for Britain because of our opt-outs and our red lines. Will he confirm that the red lines do not include the EU President, the single legal personality, the vetoes or the ratchet clause? That is why his hon. Friend who helped to draft the constitution described the red lines as "red herrings".

Even the areas covered by the red lines are falling apart; take the red line on tax. The Government told the BBC that it was a bit of a con and "purely presentational" because tax was never going to be part of the treaty anyway. Is not it the case that the red line on foreign policy is only in a declaration? It is not legally binding and legal advice to the European Scrutiny Committee says that it may turn out to be "meaningless".

With the red line on the charter of fundamental rights, the former Prime Minister promised us an opt-out. Will the Prime Minister confirm that the Minister for Europe had to write to the Scrutiny Committee to explain that it was not an opt-out after all, but just a clarification? That actually matters. The Prison Officers Association has already announced that it will take the Government to court so that it can have the right to strike that is set out in the charter of fundamental rights.

The red line on criminal justice has also been torn apart by the European Scrutiny Committee. The Chairman of the Committee said:

> "We believe that the red lines will not be sustainable...we believe these will be challenged...and eventually the UK will be in a position where it will have all of the treaty...we think"—

the red lines—

> "will basically leak like a sieve."

So much for the red lines, but even if they were totally robust and watertight it would not affect the case for a referendum, because they are the same red lines as the Prime Minister's predecessor set out for the constitution. Then, as now, the Government claimed that the charter would not affect UK law. Then, as now, the Government claimed that we were protected from measures on foreign policy, tax and criminal law and then, as now, they claimed that there was no great constitutional change at stake. So why promise a referendum then, but not now? Is not the answer perfectly clear?

The last Prime Minister, standing at the Dispatch Box, said,

> "let the battle be joined";—[*Official Report*, 20 April 2004; Vol. 420, c. 157.]

whereas this Prime Minister says, let battle be avoided wherever possible, especially if people are to have their say. That is why he is not having a referendum. He does not think he would win it. Why does he continue to treat people like fools by pretending otherwise? Why does he continue to put forward arguments that do not even convince his own colleagues?

This is the Prime Minister who stood outside Downing street four months ago promising to restore trust in politics, but now he is betraying people's trust. He promised to listen, but he refuses to give people the chance to speak. He promised to honour his manifesto, but he is breaking one of the most important manifesto commitments of all. He says that this issue will be settled by Parliament, so perhaps he could start his response by answering a simple question: when Parliament votes on whether to hold a referendum, will he allow his side a free vote? He has absolutely no democratic mandate to sign this treaty without a referendum. If he breaks his trust with the British people, they will rightly say, "How can we ever trust him on anything else again?"

The Prime Minister: I will answer every point in detail, but I notice that the right hon. Gentleman mentions nothing about the long-term agenda for Europe—not one thing. Is it not remarkable that, after six years of debate about institutions, not one Government in the rest of Europe—not one of the 27—support his opposition to the amending treaty? Is it not remarkable that only one Government—Ireland—who are constitutionally obliged to do so, think that the issues justify a referendum now? Is it not also remarkable that, in his own shadow Cabinet, those members who were there in 1992 all voted against a referendum on a more far-reaching treaty in Maastricht?

As for the individual questions that the right hon. Gentleman put to me, the first was on the passerelles—as for those that he raised, I have to tell him that they were legislated for in the Single European Act by Lady Thatcher. The implementation of passerelles requires unanimity, and sometimes I think that he does not listen to me, because I said directly that, in the House of Commons, Members of Parliament would have a vote on whether to implement any of the passerelles.

I think that the right hon. Gentleman will accept that foreign policy remains an intergovernmental matter and the decisions remain to be made by unanimity. Those are the two building blocks of the common foreign and security policy: the decisions are intergovernmental and taken by unanimity. That means that Britain has the right to decide. The right hon. Gentleman raised that issue in terms of justice and home affairs, but the fact is that we have an opt-in on all the important issues that have to be decided—an opt-in that has been negotiated by us, including in relation to Schengen measures, where we can opt out if we choose to do so. The fact of the matter is that, on this issue too, Britain will decide.

On social security, because we have a veto on any further new decision, it is Britain that will decide. As for the charter of rights, I think that the right hon. Gentleman should read the protocol, which means that there are no rights in British law as a result of that charter. It is exactly for that reason that the CBI has issued a statement saying that it supports our interpretation of it.

I am afraid to say that, because the Leader of the Opposition is not prepared to look at the long-term agenda for Europe, people will rightly draw the one conclusion that is drawn from the behaviour of Conservative Members: not only are they against the amending treaty, but they wish to renegotiate the membership of the European Union; they wish to withdraw from employment and social legislation; and not only that, they have a decision to make on whether, when the treaty is ratified, they will support a referendum even after the ratification, which means that they have to renegotiate with all the other 26 members on our membership of the European Union. For a country where 62 per cent. of our trade lies with Europe, I have to say that the years of economic uncertainty and instability that would result from such renegotiation would, in my view, be unacceptable to British business and unacceptable to the British people.

The House should also know, in conclusion, what friends the Conservative party has in Europe. The Conservatives said that they would form the Movement for European Reform. They said that other countries would join, and they announced at a press conference that the Czech party had joined and then that the Bulgarian party had joined. Then, only a few days ago, the European People's party announced that the Bulgarians had already withdrawn from the Movement for European Reform. Then, the right hon. Gentleman has got his last remaining friends, whom he calls his closest allies in Europe—the Czech Civic Democrats—but his only allies in Europe support the amending treaty. *[Interruption.]*

Mr. Speaker: Order. Once again, we cannot have shouting.

The Prime Minister: The right hon. Gentleman's only remaining friends in Europe, the Czech Civic Democrats, support the amending treaty and are against a referendum, and the Czech Prime Minister has said,

> "We cannot afford any further failure on the path to this common goal"

in Europe. The right hon. Gentleman has no friends in Europe, and he has no support from any Government; he will have to change his policy. We will defend the national interest.

Hon. Members: More, more!

Mr. Speaker: Order. I call Vincent Cable.

Dr. Vincent Cable (Twickenham) (LD): I welcome the statement. We believe that the treaty is necessary. It is in the British national interest that the European Union should work efficiently and effectively, but there remains the issue of legitimacy. We believe that there should be a referendum. The public should decide whether Britain should remain a committed member of the European Union. A great deal has changed since the Harold Wilson referendum in 1975. There has been a pooling of sovereignty through Mrs. Thatcher's Single European Act, John Major's Maastricht treaty, Tony Blair's Amsterdam and Nice treaties, and now this treaty. The time has come for consultation with the British public on the cumulative effect of those treaties, because there is anxiety about national sovereignty, and that has to be addressed through public debate.

We cannot continue with the approach perfected by the Conservative party, which, when in office, supported European integration without referendums, but which, when in opposition, supports the worst features of anti-European populism.

May I take the Prime Minister back to his early political career in Scotland? He will remember that a movement was launched by great figures such as the late John Smith and Donald Dewar, and by lesser figures such as the Prime Minister and me, to persuade the then sceptical Labour movement of the merits of the European Union. We won that argument, and we ask him to return to it, because very few people under the age of 50, including the Foreign Secretary, have been able to engage in the debate. If the Prime Minister does return to that argument, it will help him to escape from the image that he created of someone who is afraid of the ballot box. He may also persuade the leader of the Conservative party to say whether he is in

[Dr. Vincent Cable]

favour of Britain being in or out of the European Union, or both at the same time.

I now turn to the specifics of the treaty. The red lines were of course understandable, but on the vision, as the Prime Minister describes it, what is he doing to promote a more decentralised and devolved Europe, rather than the European superstate that is the figment of Europhobes' imagination? Why did he not do more to promote the concept of subsidiarity, which is so weak in the treaty? Does he not realise that it is highly corrosive to public confidence when the European Commission promotes issues such as rules on working time, which should be a matter of national competence, instead of using its energy to deal with cross-border issues such as global warming and the aviation industry's contribution to it?

We support the Prime Minister's vision of an open, outward-looking Europe, but why has he not rebuked his friend and former colleague, Peter Mandelson, who, instead of getting down to his job of delivering liberalised world trade negotiations, is launching protectionist attacks on China? What is the Prime Minister doing to address the urgent deteriorating political situation in Turkey, partly created by rebuffs from the European Union? Will he at last give us a timeline for fundamental reforms of the wasteful, economically illiterate common agricultural policy?

My final question to the Prime Minister is this: will he come out of his bunker and join the Liberal Democrats in supporting a referendum on British membership of the European Union, and join us in making the European case, and campaigning for a yes vote?

The Prime Minister: I welcome what the hon. Gentleman said about the long-term agenda for the European Union, and I hope he will read the document that we have published today, in which we set out the case for an open Europe that looks out to the world, as well as the case for a world trade agreement. We support the hon. Gentleman in urging all parties to make that agreement soon. We support EU outreach to Turkey, and we hope that the negotiations with Turkey will start soon. In the document, we also support wide-scale reform of the EU budget, including reform of the common agricultural policy. The hon. Gentleman will remember that there was an agreement that those reform discussions should start next year, and they will do so.

I agree, too, that it is time to have a debate about the future of Europe in the context of Britain being positive about its membership of the EU. It is unfortunate that the debate has not concentrated on the things that European countries can do together, including environmental action, in which we can work with our partners to deal with climate change as well as action to open up the single market. Sometimes, we forget that 62 per cent. of our exports go to the European Union; 40 per cent. of all financial services activity in Europe comes through London; and 80 per cent. of the burgeoning carbon market for the whole of Europe is based in the City of London. We are in a privileged position because, through the United Kingdom's financial services in particular, we can benefit from the extension of the single market and make it the means by which we can create jobs for the future.

I am pleased that the two candidates for the leadership of the Liberal party—at least the two candidates who have announced that they are standing for the leadership—have said that they do not regard this as a constitutional treaty. They regard it as an amending treaty that does not require a referendum, so they share the view of every single Government in Europe, apart from that of Ireland, where there is a constitutional obligation to hold a referendum. I hope that we can proceed on the basis that there will be a full debate in the Chamber in the House of Commons on all the details of the legislation; that every Member of Parliament who has views can contribute to that debate; and that we can look in detail at the provisions that have been agreed as part of the amending treaty. I think that people will come to the conclusion that we have defended the British national interest, and built in the necessary protections for the future.

Mike Gapes (Ilford, South) (Lab/Co-op): I welcome the agreement by 27 sovereign countries. The Prime Minister referred to the appointment of a high representative for foreign and security policy. Will he confirm that that individual will not be the Foreign Minister, that the representatives of the European external action service will not form a foreign ministry, and that we will not have European Union embassies but EU missions throughout the world?

The Prime Minister: I am grateful to my hon. Friend, who is the distinguished Chairman of the Foreign Affairs Committee. I stress that foreign policy will remain intergovernmental. We have always said that decisions will be made unanimously and that the treaty does not, as people have claimed, remove our seat at the United Nations Security Council. We have always said that the organisation and function of any external action service must be agreed unanimously, too. I can therefore reassure my hon. Friend on each point that he made.

Angela Browning (Tiverton and Honiton) (Con): Will the Prime Minister explain how the home affairs and justice opt-ins that he negotiated will work at the end of five years?

The Prime Minister: There are three separate ways in which the justice and home affairs opt-ins work. First, we have the right to opt in to any new measures. Secondly, we have the right, if we so choose, to opt out of existing measures that we have accepted if they are amended. The third option, to which I think the hon. Lady was referring, applies to Schengen measures. After a period of five years, they will stop being intergovernmental measures and become part of the treaty. At that stage, we will have the right to opt out, if we choose to do so.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my right hon. Friend confirm that the year before last, he and I were both elected on a manifesto pledge to campaign wholeheartedly for a yes vote on the new constitutional treaty, that that pledge was scuppered, as was the treaty itself, by the no votes in France and

Holland, and that that being so, those who write well remunerated articles reminding the Labour party of manifesto pledges have either not read the manifesto or prefer money to truth?

The Prime Minister: The constitutional concept, as was stated in the declaration, has been abandoned. If anybody has any doubt about the special treatment that has been accorded to Britain as a result of our negotiations, Valéry Giscard d'Estaing, who is hardly a supporter of what we have been trying to advocate, said only a day ago, on 20 October:

> "As to the balance sheet of the changes, it mainly favours Great Britain, which will enjoy a special status: It is 'placed in an exceptional situation' with respect to monetary union; it does not apply the Schengen agreement; it is not bound by the constraints of the Charter of Fundamental Rights.... and it retains its discretion to interpret certain judicial matters."

That is how we have defended the British national interest, and that is why the amended treaty is quite different from the original constitutional treaty. We have secured the protections for the British national interest.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): Does the Prime Minister recognise that the history of the European Union is hugely shaped by the Courts, and that they have always, through judicial activism, changed elements in the treaty in the direction of ever closer union? As they were the ones to find in favour of European law having primacy—not this House or any other Parliament—does he not realise that the Courts will progressively find in the direction of a single legal personality, and that his opt-outs will no longer exist?

The Prime Minister: I do not accept what the right hon. Gentleman says. The protocols that we have negotiated are part of the treaty and they are legally binding, no matter what he wishes to believe. If he is in any doubt about what has happened, the President of the European Parliament only a few days ago, writing in *The Daily Telegraph*—as a Christian Democrat, he should support the Conservative party but does not do so on this matter—stated:

> "The special deal . . . in this area even goes as far as allowing withdrawal from previous agreements where the UK had opted-in."

He went on to say that

> "we have reverted to a classic treaty between 27 sovereign states under international law similar to all previous EU treaties".

If the Conservative party did not support a referendum on Maastricht, why should it support a referendum on the constitutional treaty?

Sir Stuart Bell (Middlesbrough) (Lab): May I remind the Prime Minister, in response to the question from the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), that the destiny of Europe was set when we signed the Single European Act in 1986 under a Thatcher Government? The House should welcome my right hon. Friend's statement that 62 per cent. of our exports now go to Europe, whereas it was 57 per cent. 10 years ago. The House should welcome his emphasis on jobs, competitiveness, prosperity, climate change, security, the single market, free trade and openness. I assure him that these will be the subjects of debate when we come to discuss the reform treaty.

The Prime Minister: I am grateful to my hon. Friend, who will very much be part of the debate on the Floor of the House when we discuss all the provisions. I welcome the chance to debate the treaty and to show that the protocols and the opt-ins that we have succeeded in achieving defend the British national interest. My hon. Friend is right. At some point, even the Conservative party will have to come to terms with the fact that we benefit from our membership of the European Union. It is not just 62 per cent. of our trade and 40 per cent. of all financial services activity of the EU in London—50 per cent. of investment banking is in London—*[Interruption.]* The Conservatives do not seem to be concerned that millions of jobs are dependent on our membership of the European Union. It is estimated that our trade with the European Union makes possible 3 million jobs, and if the Conservatives want to create a period of economic instability, I know where business and the British people will be. They will want economic stability.

Mr. David Heathcoat-Amory (Wells) (Con): Does the Prime Minister recall the statement that he made in this House in July on constitutional reform, in which he promised to devolve more power directly to the people? He asserted:

> "The right of all the British people to have their voice heard is fundamental to our democracy".—[*Official Report*, 3 July 2007; Vol. 462, c. 818.]

Does he realise the damage that he is doing to people's faith in democracy, when he breaks his own manifesto promise to hold a referendum on the treaty, which in substance and legal effect is almost identical to the previous one, and when he ignores and contradicts the words that he uttered on direct democracy only three months ago in this House?

The Prime Minister: If we were voting on a decision to join the euro, there would be a referendum; and if we were discussing the old constitutional treaty, there would be a referendum. We have secured the defence of the national interest in such a way that no fundamental change is taking place in the relationship between the European Union and Britain, which is shown in the protocols as well as in the opt-ins that we have achieved. The right hon. Gentleman should think again before his next intervention, because he was one of the Conservative Whips when the Conservatives opposed a referendum on the Maastricht treaty.

Michael Connarty (Linlithgow and East Falkirk) (Lab): First, I commend the Prime Minister for correctly quoting the European Scrutiny Committee report when he uses it. We said:

> "We consider that, for those countries which have not requested derogations or opt outs from the full range of agreements in the Treaty...the new Treaty produces an effect which is substantially equivalent to the Constitutional Treaty."

Of course, we do have derogations and opt-outs.

Secondly, turning to the Schengen building agreements and framework decisions, there are 70 to 80 areas in which we have agreed that there is no role for

[Michael Connarty]

the European Court of Justice, but if we opt in to these and to clauses 62 to 69 of the reform treaty, those areas will be controlled by the European Court of Justice and the Commission. Will the Prime Minister assure us that whatever Bill he introduces in this House will include detailed procedures so that this House knows its role in deciding whether the Government should be advised to opt in or not to opt in to those things, or whether to accept the opt-out in certain areas, as we go along through the five years and debate whether there will be transposition of all those 70 to 80 areas?

The Prime Minister: I assure the Chairman of the European Scrutiny Committee that there will be a full opportunity to debate those issues on the Floor of the House. In particular, he will find that we have an opt-in on all those matters, and it will be for us, the British people, to decide whether we opt in on those issues.

As far as my hon. Friend's more general point is concerned, I am pleased that the Committee takes the view that the treaty as it affects Britain is quite different from the treaty as it affects other countries. Britain will decide on justice and home affairs, because we have the opt-in; Britain has the protocol on the charter of rights; Britain has an intergovernmental decision on foreign policy; national security has been exempted from the treaty; and we have a veto on social security. In all the areas where there were question marks beforehand, we have defended the British national interest. As my hon. Friend has rightly said, the treaty is different in its consequences for Britain and for other countries.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Does the Prime Minister recognise that there is always an ongoing responsibility on this or any other British Government who are playing their role properly in Europe to do more to explain and inform people about developments within the European Union and Britain's role within those developments? Will he acknowledge—we have all experienced this, whatever our views on the European issue—that when it comes to "Question Time", "Any Questions?" or Radio Five Live phone-ins, the most common complaint is that people do not feel they get sufficient unbiased information on which to make a judgment about Europe? That will not change to any great extent given the arcane and at times impenetrable debates that will take place in this House on the minutiae of the draft treaty. Does he have any specific initiatives in mind, running concurrently with the passage of this treaty, to get more information out to the British public—particularly, perhaps, through the education system?

The Prime Minister: I note that the right hon. Gentleman has become the president of the European Movement. It is, of course, part of the work of the European Movement to stimulate debate in the country about the future of the European Union. There will be time to debate all the detailed parts of the amending treaty in the House of Commons, which will also provide an opportunity to inform the public about the consequences and implications of the amending treaty. I believe that the public will come to the view that we have taken the right decisions to protect the national interest.

Mr. Frank Field (Birkenhead) (Lab): If the Scottish First Minister grants Scottish voters a say on the treaty, will the Prime Minister protect English voters and grant them a similar privilege?

The Prime Minister: The decision for a referendum on European Union matters is a decision for this Parliament.

Peter Bottomley (Worthing, West) (Con): The Prime Minister has not answered the question whether there will be a free vote for his side on a referendum. We now know that the Liberals will opt out. Will he say whether, given the question marks described by some of his colleagues and the doubts about the language, which he himself referred to in December, he will let the British people—rather than just him and his Government—decide whether the treaty should be signed?

The Prime Minister: I have already made it absolutely clear that if we secure all the detailed amendments that we have sought and that are in the text at the moment, we are prepared to sign the treaty and recommend to the House that the treaty be ratified. As far as the hon. Gentleman's position is concerned, I see that he has signed the early-day motion calling for a referendum even after ratification.

The Conservative party will have to make a decision, because if it wants a referendum after ratification, it is effectively asking the European Union to reopen the conditions of membership of the European Union. I believe that the Conservative party will find it very difficult to get support—even from the Czech Civic Democrats—for that position. It will find that 26 out of 27 members of the European Union do not want to go along with its proposals for changes. The Conservative party will have to make a very difficult decision. I believe it will have to decide what is in the interests of the British people.

Ms Dawn Butler (Brent, South) (Lab): Does the Prime Minister agree with the trade unions and me that we must not under any circumstances put jobs in this country at risk? Some 62 per cent. of our exports go to the European Union. If we put exports at risk, we are putting jobs in this country at risk.

The Prime Minister: There is not a constituency in this country that does not depend on trade with the European Union. That trade has grown substantially since we joined the European Union in the 1970s and it will continue to grow over the next few years. What would put it at risk is a prolonged period of instability with people not knowing whether we proposed to continue with our membership of the European Union or we were trying to renegotiate that membership. I believe that there is no support in the country for putting that—and thus jobs and the prosperity of the British people—at risk.

Mr. John Maples (Stratford-on-Avon) (Con): There is considerable concern that protocol 7 is not sufficient to prevent the European Court of Justice from using the charter of fundamental rights in future to create new, individual legal rights in the United Kingdom. Presumably, the Government have taken legal advice on that. I should be grateful if the Prime Minister told me whether that legal advice is absolutely 100 per cent. unequivocal and whether he will publish it.

The Prime Minister: The charter records but does not create new rights and the protocol has the full force of law. That is both the legal advice that we have had and, I suspect, the legal advice that anybody else who has looked at the issue has had. I believe that the Confederation of British Industry has also looked at it very closely, and it has come to the view that we have defended the British national interest.

Mr. David Winnick (Walsall, North) (Lab): As someone who, on many occasions, has not been over-enthusiastic about various aspects of the European Union, I ask my right hon. Friend whether he agrees that, bearing in mind what he has said about the opt-outs, many of the objections today really amount to little more than xenophobia. Some of the talk very recently about Munich, betrayal and so on is utter rubbish from start to finish.

The Prime Minister: I agree with my hon. Friend. The problem is that some Conservative Members do not just want to stop the amending treaty but want to renegotiate the whole membership of the European Union. That is why they start with employment and social legislation; they then say that even if the treaty is ratified they will still want a referendum. That will open up the question whether we are serious about our membership of the European Union. I hope that at some point the Conservative party will come to its senses and realise that we are in Europe and that we are in Europe to stay.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The Prime Minister has conspicuously avoided responding to the request from the Leader of the Opposition to reconcile his remarks on the protocol with the letter from the Minister for Europe to the European Scrutiny Committee on 31 July. On that occasion, the Minister said that the protocol

> "is not an 'opt-out' from the Charter. Rather, the Protocol clarifies the effect the Charter will have in the UK."

If all other member states of the European Union are going to be bound by the charter of fundamental rights and if the Government themselves believe that we do not have an opt-out, will the Prime Minister use this opportunity to clarify to the House what, in the words of the Minister for Europe,

> "effect the Charter will have in the UK"?

The Prime Minister: I can clarify to the right hon. and learned Gentleman that the protocol is legally binding in the UK. I would have thought that he, as a lawyer, could see that it is part of the treaty and is therefore legally binding. That is the position of the Government. I would have thought more of his comments if he had voted for a referendum in 1992, which he did not do.

Chris Bryant (Rhondda) (Lab): The Prime Minister referred to the enforced liberalisation of the energy market in Europe. That is very important because we have been trying to persuade the French to do this for a long time so that British companies may own French energy companies just as French energy companies own British ones. Is this not even more important as we face up to Russia and try to ensure our energy security into the future?

Will the Prime Minister welcome article 84 of the treaty, which is about intellectual property rights? We have been campaigning to try to ensure that, as the Gowers review said was necessary for the British economy, we have strong intellectual property rights across the whole of Europe, which will now come in thanks only to this treaty.

The Prime Minister: My hon. Friend is absolutely right. Both in intellectual property and in energy, we benefit from the action taken within the European Union. As far as energy liberalisation is concerned, I detected that one or two Conservative Members supported me when I said that qualified majority voting on energy liberalisation is in British interests. Let me read the letter from the chairman of Centrica and the chairman of National Grid to the *Financial Times*:

> "The draft Reform Treaty can…help to promote energy liberalisation by moving this to majority voting…this will be a way of circumventing cases of protectionism."

That is in the interests of the British economy and of British energy companies trying to sell in Europe, and in the interests of growth in the European economy as a whole.

Mr. William Cash (Stone) (Con): Does the Prime Minister accept that by refusing to hold a referendum he is putting not only himself on trial but Parliament itself? Does he not appreciate that 27 million people have been denied the opportunity of a referendum since 1975? Given the circumstances of deceit and the manner in which this treaty has been negotiated, as the European Scrutiny Committee has indicated, it is absolutely essential that we have a referendum. No wonder only 59 per cent. of people bother to vote at all. Does he not understand the responsibility upon him?

The Prime Minister: We have had many debates over the years, and I think that the hon. Gentleman will concede this: that if there had been a decision to recommend joining the euro, I was the first to argue that there should be a referendum—*[Interruption.]*

Mr. Speaker: Order. The hon. Member for Stone (Mr. Cash) has asked a question and now he will not hear the answer. He must be quiet and hear the answer. I know that it is very difficult for him, but he should try to hear it.

The Prime Minister: If we were making a decision on the old constitutional treaty, we would have had a referendum. The hon. Gentleman cited the European Scrutiny Committee. He must therefore accept that its Chairman has said, as I believe, that the treaty as negotiated for Britain has the protocols—the opt-outs and opt-ins, in certain respects—that make it a quite different treaty for Britain than it is for other countries in Europe. The hon. Gentleman should also accept that his real reason for having a referendum is, as he has said on a number of occasions, "We must withdraw from the European Union." That is his true position.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Will the Prime Minister indicate what positive measures the treaty could deliver in addressing regional disparities in the United Kingdom?

The Prime Minister: The regional work of the European Union, including that of the European Economic and Social Committee, does a tremendous amount to try to deal with the question of inequalities. For example, over the last Parliament we succeeded in persuading the European Union that there should be regional venture capital funds and that we should be able to have regional investment that did not come up against state aid legislation so that the regions of our country could receive benefits from membership of the European Union. Of course, regional policy will move towards eastern Europe over future years, but benefits will still come to all the regions of the United Kingdom from membership of the European Union. We must not forget that 3 million jobs depend on the trade relationships that we have with Europe, and we should do nothing to put those at risk.

Sir Nicholas Winterton (Macclesfield) (Con): May I put a direct question to the Prime Minister? Does he fervently believe in honesty, trust and honour? I want a direct answer to that. Would he indicate why, if this treaty-constitution and Europe are so good for this country, he is not prepared to put it to the people of this country in a referendum and ask them what they think rather than telling them what he thinks?

The Prime Minister: I believe that trust is built in this country by defending and advancing the British national interest, which is what I shall continue to do. We had better be clear about the agenda of the hon. Gentleman, for whom I have a great deal of respect. He is a member of Better Off Out and it is pretty clear what he wants to achieve.

Mr. David S. Borrow (South Ribble) (Lab): When members of the European Scrutiny Committee, including me, looked at these issues, we raised legitimate concerns about the firmness of some of the red lines. Does my right hon. Friend agree that the appropriate place for those to be debated and discussed is in this Chamber, by Members of Parliament elected to scrutinise such treaties? Will he confirm that there will be sufficient time for every Member of this House to participate in those discussions?

The Prime Minister: My hon. Friend is a member of the Scrutiny Committee and I welcome the chance for us to debate in detail, on the Floor of the House of Commons, the protections that we have secured for the British national interest. It is interesting that most of the questions from the Conservatives today are not about the detail of the amending treaty at all. I welcome the debate that we will have in future months on this matter, and we will show, as we show the Committee with the questions it has asked of us, that we have secured the proper protections for Britain.

Angus Robertson (Moray) (SNP): The Prime Minister knows that the common fisheries policy has been a disaster in Scotland. It has also been a serious impediment to Norway or Iceland ever joining the EU. Having chosen to disregard that red line issue for the Scottish Government, will the Prime Minister tell the House what advantages he foresees by enshrining the common fisheries policy as an exclusive treaty competence?

The Prime Minister: I have to tell the hon. Gentleman that the treaty does not change the competence on fisheries.

Kate Hoey (Vauxhall) (Lab): The Prime Minister referred to the Maastricht treaty a number of times. Is not the difference between the Maastricht treaty and the Lisbon treaty that the Government at the time of the former did not promise a referendum, whereas this Government—my Government—did?

The Prime Minister: I say to my hon. Friend, for whom I have considerable respect, that if this were the old constitutional treaty, we would be having a referendum. The fact that we have secured major protections for the British national interest, while the constitutional concept has been abandoned, leads us to the conclusion that the best way of debating the matter is in detail on the Floor of this House, so that we can show people that we have protected the national interest.

Mr. Nigel Waterson (Eastbourne) (Con): If the Prime Minister rejects the judgment of some leading European statesmen that this treaty represents 90 to 98 per cent. of the original constitution, what figure would he put on it?

The Prime Minister: I have just quoted Valery Giscard d'Estaing, who said that:

> "As to the balance sheet of the changes, it mainly favours Great Britain".

I could quote the President of the Commission, who said that there are "important differences" as far as this affects Britain. I could go on to quote the President of the European Parliament, who says exactly the same—that

> "The special needs of the United Kingdom have been ... taken into account."

The way in which the treaty affects Britain is different from the way it affects the other 26 countries. Again, I would think more of what the hon. Gentleman was saying if he had not voted against a referendum in 1992.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): Does my right hon. Friend agree that one of the most compelling global issues that we face is climate change and the role of emissions trading? Europe is vital in dealing with that issue. Does he agree that a debate on the treaty would be a diversion from the real work that we should be doing with Europe and that, by calling into question this Government's commitment to Europe, it would undermine our ability to shape that debate?

The Prime Minister: I hope that my hon. Friend will have the chance to read "Global Europe", the document that has just been published by the Government, which seeks to set the agenda for future years. There is general agreement that the environment, and how Europe deals with climate change, is an important issue on which we will make very little progress without co-operation across

Europe. I hope that Opposition Members realise that if we are to make progress on climate change, we need to work with our European partners. We are very happy to follow the agenda that we have set down, and I hope that my hon. Friend will join us in pressing our European colleagues to move faster on the matter.

Sir Patrick Cormack (South Staffordshire) (Con): As the Prime Minister has repeatedly said that the House will have full opportunity to debate the treaty, will he give a firm, unequivocal and binding commitment that that business will not be timetabled?

The Prime Minister: There will be a full chance to discuss all the issues in Parliament.

Mr. Mark Hendrick (Preston) (Lab/Co-op): Does my right hon. Friend believe, like me, that the siren voices calling for a referendum are abdicating their responsibility as parliamentarians by trying to bypass the House's decision-making powers?

The Prime Minister: There will be ample opportunity for the amending treaty to be debated in full in the Chamber of the House of Commons so that people can judge for themselves whether we have secured the proper protections. Although eight or nine countries proposed referendums for the old constitutional treaty, only one country in the European Union—Ireland, which is constitutionally obliged to hold referendums on many matters, including the treaty—will hold a referendum. All the other countries that previously proposed referendums will not have them.

Mr. David Curry (Skipton and Ripon) (Con): Does the Prime Minister accept that the enlargement of the European Union was the biggest peaceful realignment of Europe since the decline of the western Roman empire? As it represented a major British triumph, will he conduct the debate in terms of the achievement of British objectives, and resist the temptation that so much of the press offer to regard our membership of the European Union as a continuation of world war two by other means?

The Prime Minister: I am grateful for what the right hon. Gentleman has said. Every part of the House supported the enlargement of the European Union. The reason for the new treaty is that we have to take into account the fact that there are 27 members of the European Union and the arrangements that were suitable for six, 12 or 15 are no longer appropriate when representatives of 27 countries are sitting round a table. Many of the changes in the treaty are directly to deal with that fact. I hope that we can say to countries in eastern Europe that we welcome their participation in the European Union and that we will do everything we can to integrate them into its workings. The treaty is very much part of that. On the protections for Britain, we can assure the British people that we have defended the British national interest in the way they expect us to do.

Andrew Mackinlay (Thurrock) (Lab): Does the Prime Minister understand that many pro-Europeans who do not believe that a referendum is appropriate for the treaty nevertheless believe that a time is coming when we will have to hold a referendum to reaffirm our membership of the European Union, and that that will help focus men's minds, including those in the Conservative party and the press? It would be make-your-mind-up time and we would be able to go out to argue with them in favour of membership of the European Union. That would distinguish between those of us who see it as a force for good, reconciliation, commerce and politics and the flat earth society, which seems to dominate the Conservative party.

The Prime Minister: When the debate is held in the House of Commons on the amending treaty, people will come to the view that our membership of the European Union is in the national interest. They will see the number of jobs that comes from our membership, the contacts in business from which we benefit and the scope for our making progress on the environment, and they will realise that, when the common foreign and security policy works, with Europe working together in unanimity, that can often make a huge difference in the conduct of foreign affairs. As we have that debate, I hope that people will see that our membership of the European Union benefits Britain.

Several hon. Members *rose—*

Mr. Speaker: Order.

Points of Order

4.33 pm

Bob Spink (Castle Point) (Con): On a point of order, Mr. Speaker. I have given notice of this point of order to the right hon. Member for Bristol, South (Dawn Primarolo). *The Independent* today quotes an official setting out details of the evidence that the right hon. Lady will give in response to questions to be put to her by the Select Committee on Science and Technology on Wednesday this week. Surely Ministers' evidence to Select Committees should not be set out in advance of their receiving the questions from the Committees. How can the Science and Technology Committee function if Ministers treat us, Parliament and the public with such discourtesy? Will you look into the matter and, if necessary, ask the Minister to come before the House to explain her position?

Mr. Speaker: The hon. Gentleman gave me notice of the point of order.

Mr. William Cash (Stone) (Con): On a point of order, Mr. Speaker.

Mr. Speaker: Let me answer the previous point of order. I gather that the Department's written evidence to the Committee, which has been published, has already indicated the Minister's view on the issue. The hon. Gentleman will, in any event, have a chance to question the Minister on Wednesday in the Committee.

Mr. Cash: On a point of order, Mr. Speaker. During altercations with the Prime Minister just now, I understand that it was not appropriate for me to ask the question that I would now like to put to you as a point of order. However, the Prime Minister made certain assertions about what I have said in the House. I should like to put it on record that I request chapter and verse from him. I think, Mr. Speaker, that you will find that his assertions were not accurate.

Mr. Speaker: The hon. Gentleman is awfully good at pursuing the argument through points of order. I will not rise to the bait.

Serious Crime Bill *[Lords] [Ways and Means]*

4.35 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I beg to move,

That, for the purposes of any Act resulting from the Serious Crime Bill [*Lords*], it is expedient to authorise the recovery of costs in relation to authorised monitors.

The resolution is necessary because if the House chooses to accept the amendments tabled in the name of the Home Secretary, the Bill will include provision for recovering the costs of authorised monitors from those organisations that have been involved in serious crime. The resolution is a financial provision that is minimal in terms of the amounts of money involved as a whole. We anticipate roughly 30 orders to be made each year. The vast majority of such orders will be against individuals, with only a small number anticipated each year for use against organisations. Of that small number, we do not think that the inclusion of an authorised monitor will be appropriate in many cases. The overall number of such orders will therefore be minimal, but they could be useful where used.

Monitors take forward the Government's commitment to approaching the regulation of business in an intelligent, risk-based fashion. It is not useful or an encouragement to economic growth to engage in blanket regulation of the business sector, where that is avoidable. However, where organisations are involved in serious crime—for example, where they are being used as tools for money laundering or fraud—we must act to intervene in a targeted and specific manner. That is why the Bill provides that serious crime prevention orders can be used against organisations. That will give law enforcement a flexible means of preventing continued involvement in serious crime by the organisation.

Any regulation comes with a cost to it, which is precisely why we want to avoid spreading the burden of that regulation too widely. Monitors will be able to provide a useful service, in ensuring that the other terms of an order are being complied with. For example, an expert in corporate governance will be able to—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am reluctant to interrupt the Minister, but we are actually on the ways and means resolution. Is that what the Minister is speaking to?

Mr. Coaker: It is, Mr. Deputy Speaker. I am trying to outline why the costs that are implicit in the Bill are relevant and appropriate.

Any regulation comes with a cost to it, which is precisely why we want to avoid spreading the burden of that regulation too widely. Monitors will be able to provide a useful service to ensure that the other terms of an order are being complied with. For example, an expert in corporate governance will be able to make an assessment of whether a requirement to put in place appropriate systems in a company to ensure that it is not used for serious criminal purposes has been complied with. That is expertise that law enforcement might well not have.

As well as such terms of an order being used rarely, as I have said, the costs to the organisation will be reasonable and proportionate. We have also included certain safeguards, to ensure that the costs are proportionate to any organisations that might be made subject to a serious crime prevention order. Such a term of an order will require only those organisations that have been proved to be involved in serious crime to pay an additional reasonable and proportionate cost, in order that we can ensure that they are not engaged in serious crime. That is surely preferable and more proportionate in achieving the desired end, in that it steers a course between letting the criminal behaviour continue and seeking to end the activities of that organisation altogether. As a result, I am confident that the imposition of costs is appropriate.

James Brokenshire (Hornchurch) (Con): This proposal, relating to the establishment of new monitors under serious crime prevention orders contemplated in the Bill, is a late addition. I note what the Minister has said about the necessity for the monitors, but that is a matter for our debate on the substantive elements of the Bill and on the way in which the Government have tabled the amendments to it. It is surprising that the Government are tabling such amendments at this late stage, especially as the Bill has already been scrutinised in the other place. It raises concerns about the extent to which the provisions have been examined, but we will debate that in greater detail outside the Ways and Means resolution. We shall not oppose the resolution, but that should not be taken as our acceptance of, or acquiescence in, the general arguments on the creation of monitors arising from serious crime prevention orders.

Question agreed to.

Orders of the Day

Serious Crime Bill *[Lords]*

As amended in the Committee, considered.

[Relevant documents: Twelfth Report from the Joint Committee on Human Rights of Session 2006-07, Legislative Scrutiny: Fifth Progress Report, HC 490.]

New Clause 1

COMPLIANCE WITH ORDERS: AUTHORISED MONITORS

'(1) A serious crime prevention order against a body corporate, partnership or unincorporated association may authorise a law enforcement agency to enter into arrangements with—

(a) a specified person; or

(b) any person who falls within a specified description of persons;

to perform specified monitoring services or monitoring services of a specified description.

(2) A person with whom the agency has entered into arrangements in accordance with such an authorisation is known for the purposes of this section as an authorised monitor.

(3) A serious crime prevention order which provides for an authorised monitor may, for the purpose of enabling the performance of monitoring services, impose requirements of the type mentioned in section 5(5) as if the references in paragraph (a)(iv) and (b)(iv) of that provision to a law enforcement officer included references to an authorised monitor.

(4) A serious crime prevention order which provides for an authorised monitor may require any body corporate, partnership or unincorporated association which is the subject of the order to pay to the law enforcement agency concerned some or all of the costs incurred by the agency under the arrangements with the authorised monitor.

(5) Any such order—

(a) must specify the period, or periods, within which payments are to be made;

(b) may require the making of payments on account;

(c) may include other terms about the calculation or payment of costs.

(6) The tests for making or varying a serious crime prevention order in sections 1(1)(b), (2)(b) and (3), 17(1) and (2), 19(2), (4) and (5), 20(2) and (4) and 21(2) and (4) do not operate in relation to an order so far as the order contains terms of the kind envisaged by subsections (4) and (5) above (or by subsection (1) above for the purposes of those subsections).

(7) But a court must not include in a serious crime prevention order (whether initially or on a variation) terms of the kind envisaged by subsection (4) or (5) unless it considers that it is appropriate to do so having regard to all the circumstances including, in particular—

(a) the means of the body corporate, partnership or unincorporated association concerned;

(b) the expected size of the costs; and

(c) the effect of the terms on the ability of any body corporate, partnership or unincorporated association which is carrying on business to continue to do so.

(8) A law enforcement agency must inform the subject of a serious crime prevention order which provides for an authorised monitor of the name of, and an address for, any person with whom the agency has entered into arrangements in accordance with the authorisation in the order.

(9) Nothing in this section affects the ability of law enforcement agencies to enter into arrangements otherwise than in accordance with an authorisation under this section.

(10) In this section—

"law enforcement agency" means—

(a) a police authority or the Northern Ireland Policing Board;

(b) the Serious Organised Crime Agency;

(c) the Commissioners for Her Majesty's Revenue and Customs; or

(d) the Director of the Serious Fraud Office;

"monitoring services" means—

(a) analysing some or all information received in accordance with a serious crime prevention order;

(b) reporting to a law enforcement officer as to whether, on the basis of the information and any other information analysed for this purpose, the subject of the order appears to be complying with the order or any part of it; and

(c) any related services; and

"specified", in relation to a serious crime prevention order, means specified in the order.'.—*[Mr. Coaker.]*

Brought up, and read the First time.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following:

Government new clause 2—*Costs in relation to authorised monitors.*

Government amendment No. 15.

Mr. Coaker: In his report, "Regulatory Justice: Making Sanctions Effective", Professor McCrory advocated that

> "regulatory sanctions were consistent with, and appropriate for, a risk based approach to regulation, as set out in recommendation eight of the Hampton Review. The Hampton Review recommended that the penalty regime should be based on the risk of re-offending and the impact of the offence…with tougher penalties for rogue businesses that persistently break the rules."

There is a significant read-across between the approach that he advocates and the innovative and targeted approach to involvement in serious crime that we are proposing in the amendments. We have already discussed the fact that businesses are increasingly used by serious criminals as the means by which they, for example, launder money or attempt to disguise activities such as people-trafficking or drug-trafficking. Businesses can be in more than one place at a time, they can have complicated legal structures and they can carry out exceedingly complex business and large amounts of transactions on a daily basis. All those things make them very difficult to interdict for their involvement or use in serious criminal enterprises.

The Serious Organised Crime Agency, the Serious Fraud Office, Her Majesty's Revenue and Customs and the rest of the law enforcement community are constantly developing and using innovative approaches to dealing with this problem. They are having significant successes and should be commended. However, the inexhaustible potential for using businesses in different ways to further serious criminal ends means that that work is not always enough.

The amendments will mean that, for example, where a business has been proved to be involved in serious crime, an order can require it to provide its accounts or other information to an authorised monitor, to ensure that it complies with a requirement not to conduct its business in a particular way. That will be effective where the information is particularly complex and where someone such as a forensic accountant will be able to make a far better assessment than a law enforcement agency of the way in which the business is conducting itself. If the court authorises a law enforcement agency to employ a monitor, it can go on to provide, as a term of the order, that the organisation that is the subject of the order must pay the costs that the law enforcement agency incurs in employing the authorised monitor. That effectively increases the regulatory burden on a business because it has been proved to be involved in serious crime. The provisions target regulation in a risk-based manner, and mean that burdensome regulatory approaches do not have to be taken to deal with the few bad apples in any business area. Regulation does impose a cost on business, but we can all agree that this is better than the results of no regulation at all.

James Brokenshire (Hornchurch) (Con): The Minister has talked about the application of the orders and the way in which they would need to be monitored, and I understand his point about the complexity of corporate structures and how businesses might be used. Will he explain, however, whether the orders will require the recipient to have knowledge that they have committed or been involved in a serious crime? There could be a risk that someone unknowingly involved in such a crime could be the subject of an order and have to pay the cost of the monitoring.

Mr. Coaker: We went through that debate at great length in Committee. The applicant authority would have had to go to court over any organisation that was the subject of a serious crime prevention order. Only in circumstances where someone had either encouraged or facilitated a crime would they be made the subject of a serious crime prevention order. The hon. Gentleman's point would have been considered by the court before deciding whether to apply the order. There is the potential, in appropriate circumstances, for there to be a burden on the business concerned, but that is to be preferred to the potential cost of having to regulate an entire sector.

4.45 pm

The provisions include a safeguard whereby the courts will impose a requirement to pay costs only where it considers it appropriate to do so. In reaching that decision, it will have regard to the means of the body corporate, partnership or unincorporated association concerned; to the expected size of the costs; and to the effect of the terms on the ability of any body corporate, partnership or unincorporated association that is carrying on business to continue to do so. That provides a strong steer to the courts to ensure that the orders are used only where the overall effect on the business is not such as to cause damage to it as an ongoing concern.

James Brokenshire: The Minister talks about the assessment of the costs of the order and of the monitoring. How is it likely to be presented to the court and what scope would there be for any re-assessment of such costs, which, at the outset, may not be readily calculable when the court is considering the matter?

Mr. Coaker: As the hon. Gentleman will know, the practical arrangements for deciding how costs are to be arrived at will be done through order. It is one important aspect of the order making power, so as it goes through, we need to consider the practical consequences, how costs will be apportioned and what amounts are appropriate. The important point in respect of the primary legislation, however, is the existence of safeguards for any business, organisation or partnership—and they are set out in the provisions. As I have explained, we want to ensure that businesses made subject to a serious crime prevention order by the courts abide by the terms of that order. By the use of a forensic accountant or other suitable professional, we want to ensure that businesses comply, but we do not want to do so in a disproportionate way—hence the safeguards that I have outlined. I rather think that the hon. Gentleman knew the answer to his question before he asked it: costs will be subject to the order making process.

The new clause strikes an appropriate balance between the need to ensure that businesses are not used by serious criminals and the need to ensure that the business sector as a whole is not damaged by measures designed to combat the few. I thus commend the new clause to the House.

James Brokenshire: The first thing to note about new clause 1 and the accompanying new clause 2 is that they are obviously very late in consideration. Given what the Minister has said about their importance and necessity, it is surprising that we are considering these proposals on Report—after the entirety of the Bill has already been examined.

I acknowledge what the Minister has said about the complexity of what is involved. I accept that in serious and organised crime, criminals will go to great lengths to ensure that their true purpose is disguised and that different corporate structures may be used to try to hide criminal activity. On the face of it, whatever the merits of serious crime prevention orders—we will come on to debate them later—if they are to apply and be effective, there is clearly a need for monitoring to ensure that their terms are adhered to. Without proper monitoring the orders will be ineffective, because it will not be known whether they have been breached and whether the appropriate sanctions should apply. I realise that the position is complex and that on the face of it there is a need for experts to be involved, but the new clause leaves a good deal of room for improvement.

I want to raise a few points on which I have sought elucidation from the Minister. The key point is that, while a person or corporate body subject to a serious crime prevention order would need to appear before a court, that person or body would not necessarily have committed a serious offence, but would only have had to be involved in a serious crime. We shall discuss that more fully during our wider debate on the orders themselves.

It might be said that involvement in a serious crime indicated a direct link and was therefore extremely important, but the wording of the Bill suggests that the link may be somewhat more indirect. Clause 2(1)(b) and (c) make it clear that such involvement could include a person's facilitating the commission of a serious offence, or conducting himself

"in a way that was likely to facilitate the commission"

of a serious offence. There is no requirement for intention in those circumstances. Indeed, clause 4(2) imposes what is almost a reverse burden of proof on the person who is potentially subject to an order, who must show that his actions were "reasonable in the circumstances".

The Minister said that only about 30 orders a year would be issued, and that has been stated consistently and clearly throughout the review of the draft legislation. What is not clear is whether this measure is really about the Mr. Bigs or whether it is likely to be used far more widely than the Minister intends, purely because of the way in which it is drafted. That is worrying in this context and a number of others. Notwithstanding possible assurances that the measure is supposed to be limited and to attack only the very central figures, it could be interpreted as allowing peripheral figures who, despite having no direct intention and no direct knowledge that they have facilitated or been engaged in facilitating serious crime, may find themselves subject to a serious crime prevention order—and, subsequently, to another order requiring them to pay for the monitoring of their compliance with it.

That potential injustice leaves me extremely uncomfortable with the ambit of the new clause, despite the Minister's statement that it is intended to focus only on a very small group of corporates, and to ensure that forensic accountants and experts are brought in to aid the monitoring, enforcement and interpretation of the orders. That second aspect—cost—strikes me as extremely important. I have already described the legislation as wide ranging and potentially draconian. New clause 1(4) states

"A serious crime prevention order which provides for an authorised monitor may require any body corporate, partnership or unincorporated association which is the subject of the order to pay to the law enforcement agency concerned some or all of the costs incurred by the agency under the arrangements with the authorised monitor."

It goes on to state that payments on account may also be required, which effectively means that payment must be made in advance of the monitoring.

As we have heard from the Minister, it is unclear how those costs will be assessed; in essence, they will be drawn in through secondary legislation. It is also unclear how the court will determine those costs and, therefore, the impact on the business concerned. He has tried to point out the protections in new clause 1(7), which is intended to give the courts a particular role in assessing the relevant circumstances, examining

"(a) the means of the body corporate…

(b) the expected size of the costs".

The provision also deals with the effect that the order and the monitoring would have on that body corporate.

[James Brokenshire]

We do not know what those costs will be, how they will be assessed and how they will be measured. The court will be put in a difficult position in assessing the impact of the order on the body—the company or business—because it will have to undertake a detailed examination and review of the finances, the business and the way in which the company operates to assess whether the order would have a particular effect and whether it would risk the bankruptcy, liquidation or winding up of the company. That will be a hard decision for the court to make, particularly given that it will have to make an assessment of costs that may subsequently change.

I am sure that the Minister will say that the Government will set out in the order what the compliance should be, what the terms of the order are and therefore why there is a need for monitoring, but difficulties are involved. Given my professional background, I know that sometimes the costs that one is given in advance may not end up being the costs that arise. The monitor—this expert—will have to make a judgment about what is involved and what its own professional costs are likely to be in seeking the order in the first place.

The court will be in a difficult position. How will it go about assessing the costs and the impact when it may have limited information on that body corporate? It will clearly not have a full understanding of how that company conducts its business, the pressures on it and the market conditions. This provision could have a significant adverse impact on businesses if a wrong judgment is made, with the best of intentions, based on information that is not complete at the time that a monitoring condition is applied. We could risk creating injustice, particularly if an order was granted against a company whose involvement was peripheral, not intended, not direct and almost without knowledge, even though the court may have been able to show that it should have taken some other action and that is why it is brought within the scope of the serious crime prevention order in the first place.

New clause 1(6) deals with the tests for making serious crime prevention orders. The Minister will be familiar with our debates on Second Reading and in Committee about harm reduction versus punishment. He has said on many occasions, as I am sure he will say this afternoon and this evening, that the Bill is only about harm reduction—it is about preventing serious crime—and that it is not about punishment. One can form one's own judgment about whether that is the reality in the Bill, but subsection (6) raises interesting questions that deserve greater scrutiny.

Mr. Jeremy Browne (Taunton) (LD): Does the hon. Gentleman see a distinction, as I do, between using these powers to restrict the freedoms of people whose prison sentence has been spent but who have been convicted of an offence, and using them in a preventive capacity in respect of people who may never have been convicted of any offence?

5 pm

James Brokenshire: Well, there is an issue in the way in which civil orders can be used for crime prevention. The hon. Gentleman is right to highlight the fact that the orders can be used in two separate ways. One is almost as a post-bail or a post-conviction prevention order, in which the intention is almost to get someone back behind bars as soon as possible by virtue of a breach. That is a criticism that has been levelled at some of the other civil orders that the Government have introduced. The other is use of the order before any criminal conviction has been obtained, and that raises issues of appropriateness, especially when the criminal law could be applied and some sort of criminal sanction invoked. That is a point that we will debate in greater detail when we reach serious crime prevention orders later.

New clause 1(6) states:

> "The tests for making or varying a serious crime prevention order"—

it then lists various sections—

> "do not operate in relation to an order so far as the order contains terms of the kind envisaged by subsections (4) and (5) above."

In other words, monitoring should occur. The particular parts of the Bill that are being carved out by that provision are those to do with preventive measures. For example, I draw the Minister's attention to clause 1(1)(b), which provides that the court may make an order if

> "it has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales."

In other words, that limb—the necessity for the court to be satisfied that the order would prevent crime—would be carved out by new clause 1(6). That is a bit odd, if the intention is to prevent, rather than to punish. That is an important point for how the orders are used and, in terms of the European convention on human rights, to ensure that the Bill is not construed as providing for punishment. It is essential that the orders should be preventive, not punishment, but new clause 1(6) would take out all the relevant provisions on orders that will have a monitor granted to them. That is perverse and bizarre and, when the Minister winds up, I trust that he will give some explanation of it.

The way in which the provision is drafted suggests that it may also apply to the whole of the serious crime prevention order, rather than just to the monitoring aspects. That would make the orders very wide and draconian in their application in the particular aspects. The late inclusion of this wide-ranging new clause raises many questions, and it has not had proper scrutiny and debate.

Mr. Coaker: The hon. Gentleman made a reasonable point about the application of new clause 1(6), but then made the wild assertion that it would apply to serious crime prevention orders as a whole. If he reads further, he will see that it is limited to the new clause, and does not apply to the whole Bill.

James Brokenshire: I am grateful to the Minister if that is what is intended, but new clause 1(6) states that it does not operate

> "in relation to an order".

While it may continue

> "so far as the order contains terms of the kind envisaged by subsections (4) and (5) above".

it does imply that it could apply to orders more generally. However, I welcome the Minister's intervention to make it clear that the provision is intended to deal only with the monitoring aspects, not the aspects of wider concern. Even so, in terms of monitoring, surely the orders should be intended to prevent crime. Otherwise, why are they there? He has said that the provision is not intended more generally, but it is still questionable whether the removal of the sections in question will cause problems with compliance with the European convention on human rights. Perhaps he can reflect on that point in further detail when he winds up.

The Minister said that the costs will be dealt with in secondary legislation, so we do not yet know how they will be assessed. How will appeals against the costs work? New clause 2 states that costs could be subject to appeal, and that

> "Such provision may, in particular, include provision about appeals."

Can the Minister shed any more light on the Government's intentions relating to appeals against costs? The costs could be significant and the regulations could have a damaging impact on businesses.

The proposals note that the steps an enforcement agency can take to recover costs will also be covered by secondary legislation, but again the Minister has not talked in great detail about the Government's intentions in that regard. Will the relevant enforcement agencies have the right to bankrupt and wind up a company that is unable to pay for monitoring costs—however damaging their impact might be?

The Government have decided to introduce these provisions hurriedly at a late stage, and there is a lack of detail in terms of costs, how the courts will assess companies, whether appeals against the costs will be allowed and how they will operate, what the time scales will be and what the rights of challenge will be. Once the costs are in place, what rights will enforcement agencies have and how will they operate in practice? What discretion will the agencies have in recovering the costs?

I accept that if costs are levied it is right, on the face of it, that the company should pick them up, but there is a duty on law enforcement to deal with its monitoring. The proposals could place a significant burden on companies and the House is not yet clear about the context for the provisions or their scale and nature. Based on the information we have been given, I remain concerned about the risk of injustice due to the lack of clarity and certainty in new clauses 1 and 2.

Mr. Jeremy Browne: I am grateful for the opportunity to speak briefly on new clause 1.

I echo the concerns that have just been expressed about the introduction of such wide-ranging and important provisions at this stage of our deliberations. We had opportunities for exhaustive discussion of the Bill in Committee, when we went through it in great detail, so it is alarming that new provisions are being introduced in this way.

Three aspects of the new clause give me cause for concern, and I shall be interested in the Minister's response. The first is that the provision is extremely wide-ranging. It shines a light on a larger concern about the Bill as a whole, which is that there are conflicting stories about the number of people who will be caught up by the provisions.

In Committee and in his speech today, the Minister was keen to stress that the provisions will apply to only a small number of people. Those assurances are not in writing in the Bill, but the background mood music is that we need not be overly concerned that the provisions will be routinely applied, as they will catch only a small number of particularly burdensome criminals. None the less, representations to me from agencies and others who are broadly supportive of the measure make much more extravagant claims about its impact on my constituents. If 30 or 40 people a year are caught up by the provisions, it is unlikely that any of them will be my constituents. Of course, there will be a knock-on effect in terms of the impact that is caused, but it would be interesting to know how many people are likely to be caught by these provisions. Although there is a point of principle, a matter of degree also applies, and so far, that is not at all clear.

The second point that gives cause for concern is that the specific people are not defined in the Bill. Therefore, it is difficult to understand how, when such services are contracted out to various outside agencies, checks and balances will be in place to ensure that the powers are wielded responsibly and in a way that would satisfy an elected representative, such as myself.

The third issue that gives me cause for concern—I would be interested to hear the Minister's response—was raised by the hon. Member for Hornchurch (James Brokenshire) and relates to the obligation on the subject of the order to pay the costs. That could be a very serious sanction against someone who has not necessarily committed a criminal offence. I would be interested to know whether the Minister felt that there could be a cap on those costs. I ask him for more detail on how he thinks that will work in practice.

Mr. Coaker: I am grateful to the hon. Member for Hornchurch (James Brokenshire) for recognising the complexity of the Bill and for, quite frankly, the decent way in which he admitted that fact. Some of these provisions are very technical, complex and difficult. That is why some of these amendments are being debated on the Floor of the House. I make no apology, however, for introducing something that will significantly improve the Bill. It would be somewhat ridiculous if, because I might be embarrassed about the fact that the hon. Gentleman would complain about such late additions to the Bill, I did not introduce amendments that improve it and make a significant difference to it. All I can say to the hon. Gentleman is that I apologise for the late introduction of new clause 1 and to the House for the lateness of some of the amendments, but I do not apologise for the fact that provisions, such as new clause 1, will make a significant difference and are significant improvements to the Bill, and it is therefore important that we debate them today.

James Brokenshire: The Minister says that he believes that new clause 1 will make a significant difference. He has also said that, in essence, about 30 such orders will be granted a year. How many orders does he think will be granted subject to the monitoring requirements set out in these new clauses?

Mr. Coaker: I do not know the answer to that, but the serious crime prevention order as laid out in the Bill should be available to the courts. That will be a matter for the courts, and it will be for the applicant authorities to go to the courts where they think it appropriate and where they think that a serious crime prevention order will seriously impact on crime. With respect to new clause 1, the inclusion of authorised monitors is important because it will make the serious crime prevention orders more effective, as they apply to businesses and organisations. Let me suggest to the hon. Gentleman and to the hon. Member for Taunton (Mr. Browne) that I would have thought that all of us are united in wanting to ensure that serious crime prevention orders imposed on businesses and organisations are enforced and made to work, so that we can all see that they have credibility, and the use of authorised monitors will ensure that the terms are agreed to and, importantly, complied with.

5.15 pm

The hon. Member for Hornchurch talked about complexity. I said in my introductory remarks that businesses might want to use the complexity of the arrangements to hide accounts, transactions or what they are doing. That means that law enforcers will at times need the experience, ability, knowledge and skills of forensic accountants, who can scrutinise the accounts in a way that many law enforcers cannot. That means that the serious crime prevention order will prevent the serious crime that we are talking about. When such an order is made, we will be able to ensure that the terms are agreed with.

He talked about the arrangements relating to costs. Of course, the courts will consider the costs when making an order. If the costs change, it is open to the subject to apply to the court for variations to the costs set out in the order.

The hon. Gentleman raised a point about bodies knowing whether they are subject to an order. An organisation will either have to be represented at proceedings, or be sent a notice by recorded delivery or hand delivery, before the order takes effect, so they will have knowledge of the order and its terms. As he will remember, if an organisation's actions are reasonable, those actions cannot form the basis of a finding that it has acted in a way that has facilitated, or is likely to facilitate, serious crime. The burden is on the organisation to prove reasonableness, because the organisation is best placed to know the background to its actions. If an applicant authority wants to make a body the subject of a serious crime prevention order, that body can use a defence of reasonableness in court. We went through that many times in Committee, as he knows. If the organisation can demonstrate that its actions were reasonable to the satisfaction of the courts, it will not be made the subject of a serious crime prevention order.

As the hon. Gentleman will know, it is for the court to assess the evidence before it, as is the case for courts in all sorts of situations, and it is for the court to decide whether an organisation has acted reasonably under the group of new clauses that we are discussing. That is the protection against the injustice that the hon. Gentleman talked about.

James Brokenshire: The Minister highlighted the point about the assessment of the court, but that is really a question of the information presented to the court. It may not be presented with a full picture. He chided me for criticising him for the late notice of the new clauses, and our late consideration of them. What discussions has he had with the Law Society, or similar third parties that are acutely involved in considering the provisions, given that the provisions are complex, and will sit on top of an already complex situation? The complexity of the new provisions causes me concern because of the potential injustices that may arise as a result of it.

Mr. Coaker: I apologise if I chided the hon. Gentleman too harshly; I did not mean to. He will know that we are taking forward the amendments as a result of the Hampton review and the Macrory report. They pointed out the need for appropriate and proportionate regulation, and that is what we have ensured. The hon. Gentleman talked about new clause 1(6), which switches off the test in clause 1(1)(b), and asked what the justification was for that measure. It is difficult to show that authorised monitors would directly prevent serious crime, but it is important to ensure that the parts of the order that would directly prevent serious crime are complied with. That is why we included the authorised monitors in the provisions.

The hon. Gentleman asked whether the Bill complies with the European convention on human rights. He will have seen my statement on the subject but, again, I refer him to the protections in the new clause, which ensures that a court cannot appoint an authorised monitor to supervise a serious crime prevention order without taking into account certain circumstances, particularly those in proposed new subsection (7)(c), which refers to

> "the effect of the terms on the ability of any body corporate, partnership or unincorporated association which is carrying on business to continue to do so."

In other words, if a serious crime prevention order is served on an organisation, and if an authorised monitor is used to ensure compliance with the order, the court must ensure through proposed new subsections 7(a), (b) and (c), that the measure is proportionate and takes into account the ability of the organisation or partnership to comply with it. With those comments, I urge the House to support the new clause.

Question put, That the clause be read a second time:—

The House proceeded to a Division.

Mr. Deputy Speaker (Sir Michael Lord): I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 277, Noes 204.

Division No. 213] **[5.20 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Berry, Roger

Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda

Godsiff, Mr. Roger
Goodman, Helen
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric

McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn

Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Frank Roy and
Tony Cunningham

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Barker, Gregory
Barrett, John

Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter

Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Kawczynski, Daniel
Key, Robert
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Paice, Mr. James
Paterson Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Robertson, Hugh
Rogerson, Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Syms, Mr. Robert
Tapsell, Sir Peter
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Nick Hurd and
Angela Watkinson

Question accordingly agreed to.

Clause read a Second time, and added to the Bill.

New Clause 2

COSTS IN RELATION TO AUTHORISED MONITORS

'(1) The Secretary of State may by order make provision about the practice and procedure for determining the amount of—

(a) any costs payable by virtue of section (Compliance with orders: authorised monitors)(4) and (5); and

(b) any interest payable in respect of those costs.

(2) Such provision may, in particular, include provision about appeals.

(3) Where any amounts required to be paid by virtue of section (Compliance with orders: authorised monitors)(4) and (5) have not been paid within a required period, the law enforcement agency concerned must take reasonable steps to recover them and any interest payable in respect of them.

(4) The Secretary of State must by order provide for what are reasonable steps for the purposes of subsection (3).

(5) Any amounts which have not been recovered despite the taking of the reasonable steps are recoverable as if due to the law enforcement agency concerned by virtue of a civil order or judgment.

(6) Where any amounts required to be paid by virtue of section (Compliance with orders: authorised monitors)(4) and (5) are, in the case of an order of the Crown Court, not paid within a required period, the unpaid balance from time to time carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (c. 110) (interest on civil judgment debts).

(7) For the purposes of section 25, a failure to comply with a requirement imposed by virtue of section (Compliance with orders: authorised monitors)(4) and (5) to make payments occurs when the amounts become recoverable as mentioned in subsection (5) above (and not before).

(8) In this section "law enforcement agency" has the same meaning as in section (Compliance with orders: authorised monitors).'.—*[Mr. Coaker.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 3

CIVIL RECOVERY MANAGEMENT RECEIVERS

'(1) After section 245D of the Proceeds of Crime Act 2002 (c. 29) (property freezing orders) insert—

"245E Receivers in connection with property freezing orders

(1) Subsection (2) applies if—

(a) the High Court makes a property freezing order on an application by an enforcement authority, and

(b) the authority applies to the court to proceed under subsection (2) (whether as part of the application for the property freezing order or at any time afterwards).

(2) The High Court may by order appoint a receiver in respect of any property to which the property freezing order applies.

(3) An application for an order under this section may be made without notice if the circumstances are such that notice of the application would prejudice any right of the enforcement authority to obtain a recovery order in respect of any property.

(4) In its application for an order under this section, the enforcement authority must nominate a suitably qualified person for appointment as a receiver.

(5) Such a person may be a member of staff of the enforcement authority.

(6) The enforcement authority may apply a sum received by it under section 280(2) in making payment of the remuneration and expenses of a receiver appointed under this section.

(7) Subsection (6) does not apply in relation to the remuneration of the receiver if he is a member of the staff of the enforcement authority (but it does apply in relation to such remuneration if the receiver is a person providing services under arrangements made by the enforcement authority).

245F Powers of receivers appointed under section 245E

(1) If the High Court appoints a receiver under section 245E on an application by an enforcement authority, the court may act under this section on the application of the authority.

(2) The court may by order authorise or require the receiver—

(a) to exercise any of the powers mentioned in paragraph 5 of Schedule 6 (management powers) in relation to any property in respect of which the receiver is appointed,

(b) to take any other steps the court thinks appropriate in connection with the management of any such property (including securing the detention, custody or preservation of the property in order to manage it).

(3) The court may by order require any person in respect of whose property the receiver is appointed—

(a) to bring the property to a place (in England and Wales or, as the case may be, Northern Ireland) specified by the receiver or to place it in the custody of the receiver (if, in either case, he is able to do so),

(b) to do anything he is reasonably required to do by the receiver for the preservation of the property.

(4) The court may by order require any person in respect of whose property the receiver is appointed to bring any documents relating to the property which are in his possession or control to a place (in England and Wales or, as the case may be, Northern Ireland) specified by the receiver or to place them in the custody of the receiver.

(5) In subsection (4) "document" means anything in which information of any description is recorded.

(6) Any prohibition on dealing with property imposed by a property freezing order does not prevent a person from complying with any requirements imposed by virtue of this section.

(7) If—

(a) the receiver deals with any property which is not property in respect of which he is appointed under section 245E, and

(b) at the time he deals with the property he believes on reasonable grounds that he is entitled to do so by virtue of his appointment,

the receiver is not liable to any person in respect of any loss or damage resulting from his dealing with the property except so far as the loss or damage is caused by his negligence.

245G Supervision of section 245E receiver and variations

(1) Any of the following persons may at any time apply to the High Court for directions as to the exercise of the functions of a receiver appointed under section 245E—

(a) the receiver,

(b) any party to the proceedings for the appointment of the receiver or the property freezing order concerned,

(c) any person affected by any action taken by the receiver,

(d) any person who may be affected by any action proposed to be taken by the receiver.

(2) Before giving any directions under subsection (1), the court must give an opportunity to be heard to—

(a) the receiver,

(b) the parties to the proceedings for the appointment of the receiver and for the property freezing order concerned,

(c) any person who may be interested in the application under subsection (1).

(3) The court may at any time vary or set aside the appointment of a receiver under section 245E, any order under section 245F or any directions under this section.

(4) Before exercising any power under subsection (3), the court must give an opportunity to be heard to—

(a) the receiver,

(b) the parties to the proceedings for the appointment of the receiver, for the order under section 245F or, as the case may be, for the directions under this section;

(c) the parties to the proceedings for the property freezing order concerned,

(d) any person who may be affected by the court's decision."

(2) In sections 273(4)(b) and 277(7)(b) of that Act (recovery orders and consent orders: recovery of costs of pension scheme trustees or managers) after "enforcement authority," insert "receiver appointed under section 245E,".

(3) In paragraph 1 of Schedule 10 to that Act (disapplication of special income tax and capital gains tax rules for receivers), after paragraph (c), insert—

"(ca) a receiver appointed under section 245E;".'.—*[Mr. Coaker.]*

Brought up, and read the First time.

Mr. Coaker: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government amendments Nos. 14, 18, 19, 23 to 41 and 48 to 53.

Mr. Coaker: I shall begin with new clause 3. Under the civil recovery provisions of the Proceeds of Crime Act 2002—POCA—it is not possible at an interim stage for there to be a receiver whose only function is to manage property while it is frozen. That is a problem because there are civil recovery cases in which a property freezing order, which only freezes property, is not enough, as the property cannot be managed.

[Mr. Coaker]

On the other hand, obtaining an interim receiving order, which freezes assets and requires the appointment of an independent receiver, would be too much and is unnecessary in some cases. That is because the independent receiver, known as an interim receiver, has management, investigation and reporting functions. Due to the investigative function, it is only right that the interim receiver should be independent from either party to the civil recovery proceedings, so that accusations of any bias in the case can be avoided.

There is an identified operational need to create a new type of receiver whose only role is to manage property. Such a receiver would not have any investigatory or reporting functions; he or she could be a member of the staff of an enforcement authority, such as the Serious Organised Crime Agency. In the Government's view, the creation of a civil recovery management receiver will improve the efficiency and effectiveness of the civil recovery regime in the 2002 Act. It will result in significant savings as the primary expense in civil recovery cases is meeting the remuneration and expenses of an interim receiver. In particular, in-house management receivers would be much more cost-effective. The Assets Recovery Agency has a number of cases where the sums spent on the interim receivership already exceed the value of the assets it is pursuing. Such experience has inevitable consequences in terms of whether an enforcement authority would adopt a difficult case, which is likely to be protracted and therefore expensive, or opt for a lower value and less complex case. We want to minimise such a resource consideration in the decision-making exercise of an enforcement authority on whether it should adopt a case for civil recovery.

Other minor amendments are consequential on new clause 3. The other amendments in this group, which are also designed to support amendments that the Bill already makes to the Proceeds of Crime Act 2002, relate to the disclosure of information and the delegation of the functions of the directors of the main prosecution agencies.

Amendments Nos. 27 to 32, 35, 37 to 40, 49, 50 and 52 relate to the disclosure of information between the various agencies involved in the civil recovery of the proceeds of crime.

Stewart Hosie (Dundee, East) (SNP): Very little in the Bill relates directly to Scotland, but some of the amendments do. Although this is a slightly inelegant way of doing it, with gateway provisions for disclosure over two Acts, can the Minister confirm that the amendments change how SOCA's POCA-related activities work to allow disclosure to the Lord Advocate and Scottish Ministers? In particular, have changes been made to ensure proper disclosure of criminal confiscation, civil recovery and taxation information? Finally, are the regulations concerning disclosure of information by the Lord Advocate and Scottish Ministers unchanged?

Mr. Coaker: That was an excellent question by the hon. Gentleman, but I shall have to give it some thought before I answer him. In all seriousness, I think that I had better take some advice before I tell him something that is inaccurate and misleading.

With the exception of its training and accreditation functions, the Assets Recovery Agency is to be merged into the Serious Organised Crime Agency under clause 72. The Assets Recovery Agency is currently the one body in England, Wales and Northern Ireland that undertakes civil recovery investigations and proceedings to recover the proceeds of crime. This civil recovery role will now transfer effectively to SOCA, the Crown Prosecution Service, the Revenue and Customs Prosecution Office, the Serious Fraud Office and the Public Prosecution Service for Northern Ireland. In order to support these and other functions carried out under the 2002 Act by the director of the Assets Recovery Agency, there is provision in part 10 of the Act for the disclosure of information to and by the director. The main group of amendments makes similar provision to part 10 to allow for the new bodies to be able to receive and disclose information to assist them in these, and other, functions. Amendments are either made to the parent legislation of the prosecution bodies where they already have what are known as information gateway provisions, or they create a new set of provisions for those organisations that do not have such legislative gateways. The flow of information is vital to ensure the success of the civil recovery regime in taking away the proceeds of crime. The usual safeguards and established practices and procedures are followed in the provisions to prevent any actual misuse of information or accusation of misuse.

Amendments Nos. 25, 26 and 36 provide for a more effective and broad ability for the directors of the main prosecution agencies to be able to delegate their functions. The Bill confers the functions of civil recovery investigations and proceedings on to the directors. The operational reality will be that the respective directors will either delegate to their staff or contract out these functions. The amendments ensure a suitable level of flexibility in that process.

Amendments Nos. 14, 24, 33, 34, 41, 48, 51 and 53 are minor consequential amendments reflecting the abolition of the Assets Recovery Agency. For example, the reference to that agency is to be omitted from schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007.

Chris Ruane (Vale of Clwyd) (Lab): In my constituency, there is a premises on West parade, on the front of Rhyl promenade, which was the property of a drug baron who was sent away for many years for importing £55 million of cocaine. That property has remained empty for six or seven years, and it has not been confiscated. Will the measures that the Minister is outlining today help to speed up that process, and will he prioritise that specific property?

5.45 pm

Mr. Coaker: There are two ways in which we hope to take the matter forward. It is important to recognise that the courts should be encouraged, where someone has been criminally prosecuted for an offence, to place an confiscation order on them when that person is found guilty. We also hope that the civil recovery powers available can be used in exactly the sort of circumstances that my hon. Friend has laid out. Throughout the Bill, we want to ensure that those who profit from crime lose the profits they have made, whether they are the so-called Mr. Bigs or the people to whom my hon. Friend has referred, who cause havoc and mayhem in many of our communities. With that I commend the new clause to the House, with the added reassurance to the hon. Member for Dundee, East (Stewart Hosie) that I will return in due course to the points he made.

James Brokenshire: The new clause effectively provides additional provisions relating to freezing orders, which come under section 245A and the subsequent sections contained within the Proceeds of Crime Act 2002. Those additional orders were introduced under the Serious Organised Crime and Police Act 2005, and apply only in certain circumstances where proceedings are under way to recover the proceeds of unlawful conduct. The freezing orders need to describe the property concerned and prohibit any person to whom that order applies from dealing with the property. As we said when the freezing order was introduced, it plays an important part in ensuring that we bear down on organised criminals who may be intent on misusing proceeds of crime, and in ensuring that such proceeds are recovered. We have stated on record that the orders are a good thing, so the gap that the Minister has highlighted is relevant.

In the Minister's letter to me, and the hon. Member for Taunton (Mr. Browne), he states:

> "The amendments I have tabled to the Proceeds of Crime provisions in Part 3 of the Bill will create a Civil Recovery Management Receiver. Creating these receivers will fill a legislative gap as it is not currently possible to have a receiver whose only function in civil recovery proceedings is to manage property while it is frozen. Civil Recovery Management Receivers will provide this function."

There is clearly a gap, and it is interesting that it has taken a little while for it to become apparent and for us to be made aware of it through the consideration of the provisions in the new clause.

The proposal seems sensible because one of the concerns that arises in relation to frozen assets—the Minister alluded to this point—is that, when ensuring full proceeds are received, it may be necessary to manage assets while they are frozen to ensure that they do not diminish in value, and that the funds obtainable are as full as they should be. I recognise the intent behind the provision and the gap to which the Minister refers in his letter. It needs filling to ensure that we get the full proceeds required, and that there is no diminution in the value of the assets subject to the freezing order.

We understand the context of the new clause and the point that the Minister makes. We hope that it will act to ensure that the proceeds of crime are realised in a more effective way, that the value of those assets is maximised through the procedures and process undertaken, and that the issue is dealt with appropriately.

The Government have also tabled many other amendments, which are largely technical. I want to concentrate on amendment No. 27, which deals with section 435 of the Proceeds of Crime Act 2002. The section originally ensured that the director of the Assets Recovery Agency could use the information that he obtained in the exercise of one set of functions in connection with any of his other functions. In other words, under the 2002 Act, the director could use information gained for one purpose in another context.

When the Bill was in Committee, the Government tried to delete section 435 from the 2002 Act. The measure before us reflects that. However, amendment No. 27 would reintroduce section 435, but in a modified fashion. The amendment would expand the scope and application of the Bill. Proposed new section 435 would apply especially to the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland and the Director of the Serious Fraud Office.

The relevant point about the proposed new section is that it provides that the relevant Director—of Public Prosecutions, of Public Prosecutions for Northern Ireland or of the Serious Fraud Office—can use information obtained under part 5 or part 8 of the 2002 Act,

> "in connection with his exercise of any of his other functions (whether under, or in relation to, either Part, another Part of this Act or otherwise)."

I am concerned about the extent and scope of "or otherwise". Perhaps, when the Under-Secretary replies to the debate, he can confirm whether it is intended to have a much broader application than the original section 435—in other words, whether "or otherwise" covers all the relevant duties of the directors in all their contexts.

Clearly, amendment No. 27 is another late amendment. A change of approach was felt to be required to section 435 of the 2002 Act, given that it was meant to be deleted, not used, at the outset. It would be interesting if the Under-Secretary shed some light on the reason for the change of approach. Why is the sharing of information felt to be required now when it was not believed to be necessary previously?

I appreciate that the amendment's application to several different bodies reflects the way in which the Assets Recovery Agency has been divided—its authorisations do not go to only one body but several different ones. From an enforcement perspective, the relevant directors to which subsection (4) of proposed new section 435 applies reflect the intended expansion of the enforcement agencies and bodies. However, there remains a question about whether the amendment proposes an appropriate or reasonable use or expansion of the previous power, which would have been limited to those under the 2002 Act.

The proposed new section is much more wide ranging—there appears to be no limit on the use to which information gained under the 2002 Act can be put. That may be appropriate for ensuring that illegal acts or information relevant to other prosecutions and proceedings are discovered through the powers granted by the 2002 Act. However, it is a change to the previous position and it would therefore be helpful to inform the House of the intention of the proposed new section. Is it intended to be all encompassing? Are any protections intended? Will any limits be applied? Is the amendment as wide ranging as the words "or otherwise" suggest?

We need to understand more clearly the Under-Secretary's intention in amendment No. 27. We need to know its scope and I hope that he can answer the points that have been highlighted because it would be

[James Brokenshire]

helpful to know the extent of the information-sharing powers and the use to which the information will be put so that we can properly understand the exact purpose of amendment No. 27.

Mr. Coaker: Let me revert to the question of the hon. Member for Dundee, East (Stewart Hosie) about Scotland. He will be pleased to know that we have consulted the Scottish Executive to ensure that the status quo in relation to the Lord Advocate and Scottish Ministers is preserved. That ensures that there is no need for a legislative consent motion. Amendments Nos. 39 and 40 relate especially to Scotland. They would ensure that disclosures between SOCA, the Lord Advocate and Scottish Ministers will be tackled under the Serious Organised Crime and Police Act 2005 for SOCA's Proceeds of Crime Act functions, and under the Proceeds of Crime Act 2002 for SOCA's other functions.

Disclosures by the other enforcement authorities are mainly tackled in the 2002 Act. Taxation information is covered in section 33 of the 2005 Act. Schedule 8(170) of the measure that we are considering also preserves the status quo. I hope that that helps the hon. Gentleman and that the answer is as illuminating to him as I am sure that it is to everyone else. Seriously, I hope that it is helpful. If any element of doubt remains, the hon. Gentleman should write to me or have a word with me afterwards and I shall ensure that we clarify anything that needs it.

Let me deal with the points that the hon. Member for Hornchurch (James Brokenshire) made. I am pleased about his general welcome for the proposals. We identified a gap, which we sought to fill, so I appreciate his comments. However, we are continually trying to ascertain whether we can improve the operation of the civil recovery regime under the 2002 Act. In discussions with the Assets Recovery Agency and SOCA about the transfer of civil recovery powers to SOCA and other enforcement agencies, as the Bill sets out, we identified—at a late stage, it has to be said—the need for the new receiver. Experience of civil recovery shows that appointing an interim receiver, who has management, investigation and reporting functions, is unnecessary as well as expensive, but there is none the less a need for some sort of management role. We have tried to provide for that. At present, the civil recovery of the proceeds of crime in England, Wales, Scotland and Northern Ireland is the responsibility of the Assets Recovery Agency, as the hon. Gentleman knows. As he said, under the Bill those functions will be undertaken by a number of agencies—the Serious Organised Crime Agency, the Crown Prosecution Service, the Revenue and Customs Prosecution Office, the Serious Fraud Office and the Public Prosecution Service for Northern Ireland. Indeed, he pointed out the authorisations in proposed new section 435(4) of the 2002 Act.

6 pm

Bringing forward proposals on the disclosure of information at this late stage is the right outcome for Government policy. That inevitably makes the legislative changes complex, but the important point is that we have brought forward the amendments to ensure that all the relevant agencies are able to receive, and disclose to each other, information to assist them in their functions under the 2002 Act with respect to the changes that we have made. ARA has similar powers to disclose information in civil recovery cases. We are not breaking new ground; we are just trying to ensure that all the new agencies have the powers that ARA has had, so that the Bill works in practice. We were not in a position to bring forward the amendments earlier, because we were in discussions with each of the organisations identified in the Bill, to ensure that we got the provisions right. That took some time to achieve.

The hon. Gentleman asked whether the provisions went too far, in giving the enforcement authorities almost a completely free hand, as he seemed to imply they do. However, we do not intend to give any of the enforcement authorities a completely free hand to disclose information. The proposals are essentially supporting provisions, to ensure that the new agencies can effectively pursue civil recovery. That is the whole point of what we are doing. If bodies are to be able to carry out their functions effectively, they will need information from other authorities. The 2002 Act already has provisions allowing for the disclosure of information to and by the director of ARA. Those provisions were developed in 2001-02, taking into account concerns raised by the Information Commissioner. The amendments in the group effectively reproduce the existing provisions for the agencies that will now pursue civil recovery.

Importantly, the effect of the provisions is that the enforcement authorities will receive only the information that they need to carry out their civil recovery functions. Bodies will disclose only the relevant information that is permitted by the gateways. The provisions are not intended to circumvent restrictions on disclosure between other bodies. Disclosures that contravene the Data Protection Act 1998 or part 1 of the Regulation of Investigatory Powers Act 2000 are not permitted. That is an important protection, as the hon. Gentleman will know. The provisions of the Human Rights Act 1998 will also apply to any disclosure. With those reassurances, I hope that the hon. Gentleman will feel able to accept the new clause. I welcome his general commitment to addressing the gap that we identified and to the way in which we are trying to improve the Bill, even at this late stage.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 9

INCIDENTS INVOLVING SERIOUS VIOLENCE: POWERS TO STOP AND SEARCH

'(1) In section 60(1) of the Criminal Justice and Public Order Act 1994 (c. 33) (powers to authorise stop and search if reasonable belief that there may be incidents involving serious violence etc.), before the word "or" at the end of paragraph (a), insert—

"(aa) that—

- (i) an incident involving serious violence has taken place in England and Wales in his police area;
- (ii) a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and
- (iii) it is expedient to give an authorisation under this section to find the instrument or weapon;".

(2) In section 60(9) of that Act (authorisation must be in writing), at the beginning, insert "Subject to subsection (9ZA),".

(3) After section 60(9) of that Act insert—

"(9ZA) An authorisation under subsection (1)(aa) need not be given in writing where it is not practicable to do so but any oral authorisation must state the matters which would otherwise have to be specified under subsection (9) and must be recorded in writing as soon as it is practicable to do so."

(4) In section 60(9A) of that Act (application to British Transport Police)—

(a) after "place" insert "in England and Wales"; and

(b) after "2003" insert "and as if the reference in subsection (1)(aa)(i) above to his police area were a reference to any place falling within section 31(1)(a) to (f) of the Act of 2003".

(5) In section 60(11) of that Act (definitions), in the definition of "offensive weapon", after "1995" insert "; but in subsections (1)(aa), (4), (5) and (6) above and subsection (11A) below includes, in the case of an incident of the kind mentioned in subsection (1)(aa)(i) above, any article used in the incident to cause or threaten injury to any person or otherwise to intimidate".

(6) In the heading to section 60 of that Act after "of" insert ", or after,".'.—*[Mr. Coaker.]*

Brought up, and read the First time.

Mr. Coaker: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following:

New clause 8—*Stop and Search Power*

'(1) If a police officer of or above the rank of sergeant reasonably believes—

(a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence, or

(b) that persons are carrying offensive weapons or dangerous instruments without good reason in any locality in his police area,

he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding—

(c) 6 hours in the case of an officer of the rank of sergeant; and

(d) 24 hours in the case of an officer of the rank of inspector or above.

(2) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to—

(a) the need to prevent injury or loss of life;

(b) offences which have, or are reasonably suspected to have, been committed in connection with any activity falling within the authorisation; and

(c) all relevant information giving rise to the belief of the relevant police officer specified in subsection (1),

he may direct that the specified period during which the authorisation conferred under subsection (1) shall be extended to a period not exceeding a maximum of 48 hours.

(3) If a police officer gives an authorisation under subsection (1) he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.

(4) This section confers on any constable in uniform power—

(a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

(b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

(5) A constable may, in the exercise of the powers conferred by subsection (4) stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

(6) If, in the course of a search under this section, a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(7) A person who fails to stop, or to stop a vehicle, when required to do so by a constable in the exercise of his powers under this section shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(8) Any authorisation under this section shall—

(a) be given in writing signed by the officer giving it or, where that is not practicable, recorded in writing as soon as it is practicable to do so, and

(b) specify—

(i) the grounds on which it is given,

(ii) the period during which the powers conferred by this section are exercisable, and

(iii) the locality in which the powers conferred by this section are exercisable.

(9) The provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.

(10) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of 12 months from the day on which the vehicle was stopped.

(11) A person who is searched by a constable under this section shall be entitled to obtain a written statement that he was searched under the powers conferred by this section if he applies for such a statement not later than the end of the period of 12 months from the day on which he was searched.

(12) Where a constable has carried out a search in the exercise of the power under subsection (4) he shall make a record of it in writing unless it is not practicable to do so in which case he shall make such written record as soon as practicable after the completion of the search.

(13) Section 60 of the Criminal Justice and Public Order Act 1994 is hereby repealed.

(14) In this section—

"British Transport Police Force" means the constables appointed under section 53 of the British Transport Commission Act 1949;

"dangerous instruments" means instruments which have a blade or are sharply pointed;

"locality" means any place or area which at the time the authorisation under this section is given the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission or any other place to which people have ready access which is not a dwelling;

"offensive weapon" has the meaning given by section 1(9) of the Police and Criminal Evidence Act 1984 or, in relation to Scotland, section 47(4) of the Criminal Law (Consolidation) (Scotland) Act 1995; and

"policed premises", in relation to England and Wales, has the meaning given by section 53(3) of the British Transport Commission Act 1949 and, in relation to Scotland, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4)(a) of that Act (as it relates to Scotland).

(15) For the purposes of this section, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.

(16) The powers conferred by this section are in addition to and not in derogation of, any power otherwise conferred.'.

Government amendments Nos. 85 and 86.

Mr. Coaker: We come to an important group, as all hon. Members would agree. New clause 9 concerns police powers of stop-and-search for dangerous instruments and offensive weapons. The issue is one about which we all share a deep concern, particularly in the wake of tragedies such as the murders of 11-year-old Rhys Jones and of 15-year-old Jessie James in Manchester just over a year ago, the fatal knifing of the promising young footballer Kiyan Prince in May 2006, and the thankfully non-fatal shooting of a 13-year-old boy in Manchester only this weekend.

Notwithstanding any differences that we might have about the issue, I do not for one moment belittle the contribution that any hon. Member makes on it. I do not for one minute believe that any hon. Member has anything other than the desire to try to do what we can to prevent more tragedies and awful events from taking place on our streets. That is an important comment to make, given the heat that is sometimes generated around such debates, and one that hon. Members will understand, given the atmosphere in the Committee as we took the Bill through.

The Government have responded to those tragedies and those concerns by investing £1 million in the tackling gangs action programme—a programme of focused work in areas of London, Manchester, Birmingham and Liverpool where gun crime and gangs are a particular issue—which was launched on 9 September. The programme's aim is to reduce serious violence, particularly that involving the use of firearms by young people as part of gang-related activity. The Home Office is working with police and local authorities to design packages that will be most effective in each area, which will include both enforcement and preventive work, and will be delivered in partnership with a range of local agencies.

New clause 9 would extend the stop-and-search powers contained in the Criminal Justice and Public Order Act 1994. Hon. Members will know that the hon. Member for Hornchurch (James Brokenshire) and his hon. Friends have tabled a related amendment, which I am unable to recommend that we support, as I shall explain. Although the police have routine powers of stop-and-search in situations where they have a reasonable suspicion that a person is carrying certain items, section 60 of the 1994 Act provides exceptional powers for the police to authorise the stopping and searching of persons and vehicles in a locality for knives and offensive weapons—in England and Wales that includes firearms intended to be used to cause injury—without requiring reasonable suspicion. The police may use that power when they believe that a serious violent incident is likely to take place or that persons are carrying weapons in the locality. That provides a preventive power that addresses situations where an anticipated incident has not yet happened or where public order is threatened by weapon carrying en masse.

The new clause would add a third scenario in which the power could be used, which is where a serious violent incident has taken place, and where the power would be useful in locating and taking out of circulation the weapon used in the incident and in apprehending the perpetrator. The existing preventive powers in section 60 of the 1994 Act require written authorisation, but the police would be able to make an oral authorisation to use the proposed additional power, so as to avoid any delay in the crucial moments following a violent incident.

James Brokenshire: The Minister has referred to the new scenario, which he described as being one where a serious violent incident has occurred. Presumably there must have been a reasonable belief in those circumstances that persons had been carrying an offensive weapon in that locality without due authorisation, so surely the second limb of section 60 of the 1994 Act would apply.

Mr. Coaker: The hon. Gentleman knows that what we are extending is the right to stop and search either people or vehicles without reasonable suspicion in the locality of the persons concerned. What the new clause will do is increase the power available in a proportionate way. Indeed, the police have said that they welcome the addition to the stop-and-search powers under the 1994 Act.

The effect of the new clause would be to fill a small gap, whereby the police are currently unable to use their section 60 powers following a serious violent incident if they do not anticipate a further incident taking place. Knife and gun crimes are often isolated incidents and are often not followed by any further incidents. The extension of the section 60 powers that we propose would cover that scenario and allow the police to make full use of the powers to locate the weapon quickly and take it out of circulation, and to apprehend the offenders.

The safeguards already contained in section 60 of the 1994 Act relating to the rank of an officer who may make the authorisation and the length of the authorisation will remain in force, and will serve to ensure that the new extension to the powers is used only in a way that is necessary and proportionate. I am sure that hon. Members will agree that this extended power will provide the police with a useful additional tool in the fight against crime involving knives, guns and other weapons.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): Will the Minister tell us in what kind of circumstances this power would be useful?

Mr. Coaker: As the law stands at the moment, if there had been a shooting or a violent altercation involving knives, and the police did not think that another incident of that nature was likely in the locality, they would not be able to use their section 60 powers. Under the new proposals, if the House agrees to them, the police would be able to react to the situation and to stop and search people or vehicles in an area, without reasonable suspicion, in order to try to locate the weapon or to apprehend the perpetrators of the crime. That would be a measured and proportionate response, given the safeguards that already exist under section 60 relating to the rank of the officer and the shortness of the time in which the power has to be used—namely, 24 hours, or 48 hours if a superintendent agrees to it. Many people would be surprised that, in those limited circumstances, that power is not already available to the police. What we are saying is that section 60 exists to prevent future gun crime, while the new provisions are about reacting to something that has already taken place.

James Brokenshire *rose*—

Mr. Cox *rose*—

Mr. Coaker: I shall give way to the hon. Member for Hornchurch first.

James Brokenshire: I should like to refer the Minister to section 60(1)(b), which gives the authorisation that he has described in circumstances in which a relevant police officer reasonably believes that a person is carrying dangerous instruments or offensive weapons in any locality in his police area without good reason. Obviously the police do not feel that they are covered by that provision, but surely when a violent incident has already taken place and there is a suspicion that someone is in possession of such a weapon, the section 60(1)(b) powers would apply to give the necessary authorisation.

Mr. Coaker: That is not the view of the police, who are pleased that we are filling this gap and who support the new clause.

Mr. Cox: My hon. Friend the Member for Hornchurch (James Brokenshire) has, to some extent, anticipated the point that I was going to make. If there has been a serious violent incident involving a weapon, that would be a pretty good ground for a police officer who came upon the scene fairly quickly to conclude that someone was carrying that weapon in the immediate vicinity. Under section 60, he could therefore make the appropriate declaration and exercise the power. May I put it to the Minister that the difference might be that the Government are now proposing an oral approval for the exercise of such powers, whereas approval has been required in writing up to now?

Mr. Coaker: That is certainly one change. Both the existing scenarios will require written authorisation and will not be able to be subject to an oral authorisation, but in circumstances involving the reaction to an incident that has taken place, the approval would be able to be given orally and followed up by written authorisation.

Another situation in which this proposal might apply could involve the police believing that a weapon such as a knife had been passed on to someone else. The police might not be searching for the perpetrator, whom people might already have identified. Eye witnesses might have said that the person in blue jeans and a red jumper had done it, but he might have passed the weapon on to someone else. In those circumstances, the power to stop and search without reasonable suspicion of others would be a useful addition to the police's powers to locate the weapon.

James Brokenshire: I want to seek clarification from the Minister on the question of oral authorisation that he has identified as being necessary. Section 60(9) states that any

> "authorisation…shall be in writing signed by the officer giving it",

and that it

> "shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so."

That wording suggests that it is possible to give an oral authorisation and to record it in writing later. That seems to be the oral authorisation that the Minister is describing. Does he therefore agree that these circumstances are already covered by section 60(9), or is he receiving different advice on this?

6.15 pm

Mr. Coaker: I am receiving different advice, in the sense that, in the new scenario involving a reaction to an event that has taken place, speed will be of the essence. We shall need to be very careful indeed about requiring oral, rather than written, authorisation. That is why we are not proposing to change the requirement for written authorisation in circumstances involving prevention in relation to the two scenarios that already exist.

As I have said, I am sure that hon. Members will agree that this extended power will provide the police with a useful additional tool in the fight against crime involving knives, guns and other weapons. Amendment No. 85 provides that the new clause should extend to England and Wales. We will work with the Scotland Office to consider how equivalent legislation should be taken forward in respect of firearms in Scotland, as the subject matter of the firearms legislation that includes search powers is reserved. However, the policing of offensive weapons, including knives and bladed instruments, is devolved. Amendment No. 86 amends the long title of the Bill to reflect the addition of this clause on stop-and-search powers.

New clause 8 concerns police powers of stop and search for knives, guns and other offensive weapons. It would repeal section 60 of the Criminal Justice and Public Order Act 1994 and create a new clause in this Bill that would largely replicate it, with some changes to the way in which the powers it contains may be exercised. It is not clear to me why this approach has been taken of repealing and recreating, rather than amending, section 60.

Section 60 provides the police with powers to authorise the stopping and searching of persons for knives and offensive weapons—which, in England and Wales, would include firearms intended to cause injury—without requiring reasonable suspicion that the person is carrying such a weapon, in a locality where a serious violence incident is anticipated or where the police believe that persons are carrying weapons.

The new clause proposes some changes to section 60 in its current form: to lower the rank of the police officer who may make an authorisation—a sergeant would be able to make an authorisation for six hours, an inspector for 24; to add two additional considerations that must be taken into account when extending the period of the authorisation; and to allow for an authorisation to be made orally, rather than in writing,

[Mr. Coaker]

in the first instance. There are also some less significant technical changes to the application of the powers, and to some definitions contained in the clauses.

The purpose of the new clause seems to be to increase the operational flexibility with which the police can make use of these powers, by ensuring that officers can respond to intelligence more proactively, and quickly make an authorisation under section 60 to prevent a violent incident from occurring. I have sympathy for the objectives of the new clause, and I agree that we should ensure the police have all the powers they need to tackle weapon-enabled crime, and that they should be able to make the most effective use of these powers operationally.

As I have said, I commend the hon. Members for Hornchurch and for Taunton (Mr. Browne) for their measured approach, following the concerns expressed on both sides when a related amendment was removed from the Bill in Committee. In my view, however, the changes to the existing section 60 do not amount to very much, and add little of substance to the existing powers. The amendment that I have tabled to section 60 will increase the flexibility with which the power can be exercised in circumstances where a serious violent incident has occurred, by allowing for an authorisation to be made orally. I do not propose to change the other safeguards concerning the rank of the officer who may make an authorisation, and its duration, as I feel that they are important to ensure that the powers are used in a proportionate way.

Mr. Charles Walker (Broxbourne) (Con): I understand that these powers would last for a certain number of hours after being invoked, but how big an area would they cover?

Mr. Coaker: That would be a matter for the police to determine, though one would expect it be in a reasonably confined area. Whatever the size of the area, however, one key consideration is to ensure that police talk to and gain the confidence of the community. We want them to take the community with them in using these powers. I and other hon. Members, including my right hon. Friend the Member for Leicester, East (Keith Vaz), the Chairman of the Home Affairs Select Committee, have spoken to the police and want to ensure that the powers are used proportionately. It is important for the police to discuss with the local community what they are doing and why they are doing it. The police and the local community will be able to solve the problem together.

Our proposals address the gap where existing powers do not apply when a serious violent incident has occurred, no further incident is anticipated and public order is not necessarily threatened by the carrying of weapons en masse. The Government new clause will extend the powers so that an authorisation under section 60 could be made in this scenario to assist the police in locating the weapon and apprehending the offender who used it, following a serious violent incident.

New clauses 8 and 9 both address similar purposes, but I hope that hon. Members will agree that the Government new clause is more substantial and has greater purpose in that it effectively fills the gap that I have described. It will be more useful to the police, who have said that they welcome it, and it will be more effective at tackling gun and knife crime. I respectfully ask the hon. Member for Hornchurch not to press new clause 8. I also want to make it clear that we intend to maintain an ongoing dialogue with the police and other stakeholders. We intend to continue to keep our policy under review to ensure that the police have all the powers they need to tackle gun and knife crime, and we intend to revisit this matter if it becomes clear that further changes are required in order to meet the common objective of reducing knife and gun crime on our streets to the lowest possible level.

James Brokenshire: There can be little doubt about the appalling consequences of violent crime and the need for appropriate measures, such as stop and search, to help prevent it from happening. The headlines this year have been dominated all too frequently with news of victims of gun and knife-related violence. What has been particularly disturbing has been the age of the victims of these tragedies. The Minister made reference to a number of cases and I share with him strong feelings of condolence for the families and disturbance about the issues that these cases highlight. The murder of 11-year-old Rhys Jones, who was shot on his way home from football training in Croxteth, shocked the entire country. It put into sharp focus the urgent need to face up to violent crime and deal with gang culture, which acts like a cancer, destroying the lives of individuals, families and communities in too many of our communities across the country.

In 1998-99, 864 people were injured or killed using a gun; whereas by 2005-06, the number had increased to 3,821—a fourfold increase. A study by the centre for crime and justice studies at King's college, London found that attacks in which a knife was used in a successful mugging have risen from 25,500 in 2005 to 64,000 in the year running up to April 2007. Home Office research has shown that firearms are on sale in the criminal underworld for as little as £50, with polling commissioned by Policy Exchange indicating that nearly one in eight men know someone who has or has had an illegal firearm and that nearly a fifth of men say they would be able to acquire an illegal firearm. As for knives, according to a poll conducted for the Youth Justice Board in 2004, 28 per cent. of young people in mainstream schools had carried a knife in the last year.

In evidence to the Home Affairs Committee, Superintendent Leroy Logan, deputy borough commander in Hackney, described a situation of

> "growing incidents of gratuitous violence committed by younger age groups...predominantly among themselves with an increasing use of weapons in an attempt to gain respect through violence."

The Committee also heard of the escalation of violence from young people, with one young person saying:

> "It has just escalated over the years and it has just got to the point where no-one is picking up fists, everyone is picking up guns. That is why it has just got so bad."

The clear indication is that there is a growing prevalence of offensive weapons in our community and, sadly, a willingness among some to use them. Some have even described the possession of guns as a "fashion accessory". The situation is compounded by new routes of supply through the sale of weapons over the internet, for example, underlining the need for us to make our borders less porous and more secure. That is why it is right, in the context of the Bill, to consider the scope, adequacy and fitness for purpose of the current law relating to stop and search as part of wider measures to combat violent crime and the underlying causes of offending.

During the Bill's passage through the other place, Lord Marlesford successfully moved an amendment introducing a right for a police constable to seal off an area and to search people and vehicles for firearms by whatever means he considers appropriate, if he has reason to believe that people may be carrying firearms.

The noble Lord said that the purpose of the amendment was to give the police

> "a simple and over-riding power which would enable them to make it far more risky for anyone to carry an illegal firearm".—[*Official Report, House of Lords,* 30 April 2007; Vol. 691, c. 917.]

In Committee, however, the Government removed Lord Marlesford's amendment, following which I made it clear that we would reflect on the proposal, which we have now done.

The two main existing statutory powers of stop and search are found in the Police and Criminal Evidence Act 1984 and the Criminal Justice and Public Order Act 1994. There are also additional provisions in the Firearms Act 1968 and the Terrorism Act 2000. Section 1 of PACE allows a police officer to stop and search a person in a public place for offensive weapons and other items. However, the power applies only where that police officer has "reasonable suspicion" that he or she will find such items. Those terms are further clarified in the codes of practice that sit alongside PACE.

Under section 60 of the Criminal Justice and Public Order Act, to which the Government new clause relates, an officer of inspector rank and above has the right to authorise officers to stop and search people and vehicles within a specific locality for a period of up to 24 hours if they "reasonably believe" that crimes of serious violence may occur or that someone is carrying an offensive weapon. That authorisation can be extended by a further 24 hours with the consent of an officer of superintendent rank or above. It is important to note that this power may be exercised without the requirement of reasonable suspicion that would otherwise be needed under PACE.

We believe that there is a need to make an important change to the powers under section 60 of the Criminal Justice and Public Order Act. We propose to create a new right for officers of the full rank of sergeant to authorise the stop and search of pedestrians and vehicles in a specific area for a period of up to six hours, if they reasonably believe either that incidents of serious violence may occur or that people are carrying guns, knives or other offensive weapons in that area. That authorisation could be extended to a maximum of 48 hours by further direction of an officer of the rank of superintendent or above. In addition, an officer of the rank of inspector or above would have an initial authorisation of 24 hours, capable of extension to 48 hours. New clause 8 gives effect to that.

6.30 pm

The new measure has three intended purposes. It is intended to add a new preventive power to law enforcement, to help stamp out possession of illegal weapons and prevent violent crime from happening; to give police at operational level more flexibility to respond to intelligence and potentially fast-moving situations; and to underline the importance of community policing, anchored by the police sergeant, and help develop confidence within the neighbourhoods and areas served by the local teams.

We believe that this is a practical, common-sense change that will help the police to combat gun and knife crime within local communities. It is supported by the Police Federation. It is all about strengthening community policing on the ground, where the beat or neighbourhood sergeant has a key role. The sergeant is likely to have a closer connection with local issues and local people, and we think that that should be recognised within the framework, constraints and protection of the existing stop-and-search power under section 60. The new clause also underlines the importance of community-based solutions as part of wider measures to tackle violent crime and social breakdown.

We believe that a six-hour authorisation for sergeants is appropriate and proportionate to give greater assurance to the public in the fight to stamp out illegal weapons on the street. We believe that it can help to make a difference in preventing serious violent incidents, and that it contrasts with the approach of a Government who remain in denial about the extent and nature of the problem.

As the Minister said, the Government believe that their new clause 9 will fill a small gap. Although—as our interventions have demonstrated—we do not oppose the proposed changes in principle, it is difficult to see that they will add very much. The Government argue that the changes are needed to help police to recover and apprehend the assailant when a serious act of violence has taken place but there is no belief that further such acts will take place, and that they provide the potential for an oral authorisation invoking the section 60 power. However, authorisation under section 60 can already be invoked if there is a reasonable belief that persons are carrying offensive weapons in the stop-and-search area. If the new power is to enable officers to try to get hold of the weapon following a serious incident and catch the perpetrator in possession of it, officers must have the reasonable belief that someone is carrying an offensive weapon in that area. That means that the second limb of section 60 could be applied. As for oral authorisation, as I have said, section 60(9) already contemplates that an authorisation may be recorded in writing later when the giving of a written authorisation is not practicable, and as such it already envisages an oral authorisation. However, if it is felt that clarification of the law is helpful, we will take that into account.

Mr. Coaker: The oral authorisation in section 60 applies only to the extension of an authorisation, not to the original authorisation.

James Brokenshire: That is not clear from the wording of section 60(9), but, as I have said, I am happy to take on board any clarifications that are considered helpful. My general point is that I am not persuaded by the Minister's argument that the proposal in new clause 9 is as significant as he has suggested.

[James Brokenshire]

We believe that new clause 8 is proportionate and reasonable, and that as part of a framework of measures it will help to take weapons off our streets and make our communities safer places in which to live. As for whether the Government will feel persuaded to adopt our idea later and we will gain a new "magpie Minister", we shall have to wait and see, but this is a serious and considered proposal. It provides an addition to the law that we believe will make an important contribution in helping to prevent serious crime, which is supposed to be at the heart of the Bill. It is intended to help in the fight against gun crime, knife crime and other crimes of serious violence, in which one victim is one victim too many. I hope that we shall have the opportunity to put it to the vote, and that it will receive the backing of the House.

Keith Vaz (Leicester, East) (Lab): Let me begin by saying that this is no "magpie Minister" but an eagle, willing to swoop down and deal with all the dreadful criminals who are engaged in such awful behaviour.

I think we all share the concerns that have been expressed by both my hon. Friend the Minister and the hon. Member for Hornchurch (James Brokenshire) about the high-profile crimes that were committed in the summer this year: crimes such as the one against Rhys Jones, which have literally shocked the nation. Although crime has been falling, it is right for the Government to try to ensure—especially in this Bill—that the police are given sufficient powers to be able to deal with an increase in serious crime. It is also right for that to be done in this place, and for us to debate the issues.

I think the Minister will find that there is all-party agreement about the need for us to give the police the powers that they need. However, I want to strike a note of caution over the proposals for extension of stop-and-search powers. I will not oppose the Government, because I believe that the thrust of what the Minister has said is correct, but I ask him to bear in mind a number of key facts, and I hope he will do so with the care with which I have always associated him.

The hon. Member for Taunton (Mr. Browne) served on the Home Affairs Committee before I became its Chairman, and participated diligently in a report on young black men and crime that was published in the summer. The Government's response arrived last Wednesday, within the time limit of two months but at a time when the Committee was abroad taking evidence on counter-terrorism. Nevertheless, it addresses the Committee's concerns.

On the issue of stop and search specifically, the Committee's view is clear. Although there are benefits in giving the police additional powers, the Committee concluded unanimously that they were outweighed by the implications for the community trust and co-operation that the police need if they are to do their jobs effectively. That is, I think, the key fact.

Our debate has been enlivened by the comments of Keith Jarrett, chairman of the National Black Police Association, who said over the weekend, in an open and transparent way, that he considered it important for the powers to be extended because that would give the police a better way of reaching those who commit crimes. I disagree with that view, as do other members of the association. I think that we need to look at the factual information before deciding to increase any powers. I have received no representations suggesting that the community want more stop-and-search powers because they would result in more people being apprehended; nor, I think, did the Committee during its extensive inquiry, which included the taking of evidence from young black people themselves. It is right that there should be engagement, and both the hon. Member for Hornchurch and the Minister, in their measured responses to this problem, pointed out the need for us to work within the community. Neither of them specifically said that the community itself was calling for increased powers.

It is worth examining the statistics to get a brief flavour of the facts that have emerged as a result of the police use of stop and search. In 2004-05, 839,977 persons were stopped and searched and 12,400 stops of vehicles were recorded by the police under section 1 of the Police and Criminal Evidence Act 1984 and other legislation. Of those, 118,165 or 14 per cent. were of black people; 59,954 or 7 per cent. were of people of Asian origin; and 12,733 or 1.5 per cent. were of people of other ethnic origins. For England and Wales as a whole, the number of stop and searches rose by 14 per cent., from 737,137 in 2003-04 to 839,977, although that was less than the figure in 2002-03. Most of the rise was accounted for by an increase in the stopping and searching of people who were not black or Asian.

Overall, black people were six times more likely to be searched than those who were not black—the ratio in 2003-04 was 6.4 times; if the figures for London are excluded, the ratio falls to 4.9 times. Asian people were 1.8 times as likely to be stopped and searched as white people, compared with 1.9 times as likely in the previous year. The important fact is that 11 per cent. of stop and searches resulted in an arrest. The proportion varied between police forces, from 7 per cent. in Gwent to 20 per cent. in the City of London. The problem facing us, which was correctly identified in the Select Committee report, is that the hit rate was still too low. People are prepared to accept an extension of powers if the hit rate will be improved or increased, but there was no indication from the Minister that that would happen as a result of what he proposes.

We need to be cautious about the impact of this proposal. The hon. Member for Hornchurch, in his usual eloquent way, talked about proportionality. It is the big buzz word whenever we discuss such an issue, be it the 28-day detention period or another civil liberties matter, and it becomes extremely important. That is why I ask the Minister to examine the impact that the proposal will have on the black community. It is not right that we should have a certain set of laws that will result only in certain types of people being affected by an increase in police powers. It is important that we examine those figures.

In conclusion, I accept the thrust of what both Front-Bench spokespeople say, although I do not support new clause 8, because it is not right when dealing with such serious issues that we should level down the rank of the person making the important decisions. The Minister is right to say that that should be kept at a certain policing level, because the difficulty of levelling it down is that things will increase. We need people of sufficient seniority to be able to deal with these important issues. He says that his proposal will help in the fight against serious crime, and I believe him, because he would not have brought the measure before the House unless he felt that it would help in the fight against crime. However, I ask him to examine the impact on communities, because once we start stigmatising communities in our country we shall be on the road to ruin for our multicultural society.

6.45 pm

Mr. Jeremy Browne: I echo the sentiments of every previous speaker about the shock and public concern that rightly and inevitably arises from the terrible incidents that have had a high profile in the media in recent months, particularly those involving gun crime. May I suggest how the Government should proceed on this topic? There is a danger that we discuss stop and search narrowly. It is sometimes a vital power in the armoury of the police, but it is not the only power available to them. Another power is the so-called "mandatory sentence" that goes with being caught with a gun. People in my constituency and elsewhere do understand why it is not used more widely. They are led to believe that the mandatory term of five years automatically flows, save in exceptional circumstances, from someone being caught with a firearm, but it is applied in only a minority of cases. That stretches the word "mandatory" beyond most people's understanding of its definition.

The second area on which the Government need to concentrate to a greater degree is the smuggling of firearms. The third area, which has rightly been discussed by all political parties, is how we can culturally change attitudes to guns, particularly in some communities where they often appear to be regarded as a fashion accessory rather than the lethal weapon that we know them to be.

Gun crime attracts far more media attention than some other crimes, often because the consequences are particularly devastating, despite its rarity. Annually, more people are killed by knives than by guns, and it is worth recalling that when we have this type of discussion. It is also wise not to exaggerate the scope of the problem. That is not to say that it is not a problem in every community—it could be, at any given moment, a problem that could affect anybody in this country—but more than half of the firearms incidents recorded in the most recent year, 55 per cent. to be precise, happened in just three police force areas, those of the Metropolitan police, in whose area we are having this debate, Greater Manchester and the West Midlands. All three of those force areas have their own specialist units to tackle gang-led drugs and gun crime: Trident, X-Calibre and Engage, in that order. Special provisions are being put in place where gun crime and other types of violent crime are particularly prevalent. Stop and search has a part to play in that, but it is not the be all and end all.

I say that because we must strike a careful balance between protecting the individual's physical safety and protecting the liberties of the individual citizen. It is a quite a draconian measure for the state to be able to stop people who have committed no criminal offence, or appear not to have done so, and search them. The power should be used with discretion and intelligence. I welcome the measures in the Government's new clause 9, specifically the four changes that I have identified that take the debate forward from the suggestions made in another place earlier in the passage of this Bill.

First, the Government are widening the scope of stop and search to non-firearms, including knives. I have mentioned just how important that consideration is for many people. Secondly, I support the oral authorisation being allowed in the exceptional circumstances that the Minister outlined. It is important that when such instances arise, the police can be fleet of foot and are not held up in a way that most people would think perverse. Thirdly, and this is where I differ from the proposals being put forward by the Conservative party, there is a need for a senior officer to authorise these decisions. If that power is to be wielded at the expense of an individual citizen going about his or her ordinary business, people will be reassured if the decisions are made by a senior officer. Finally, I am encouraged that the Government have removed some of the grey areas that were mentioned in the other place, especially the expression "by any means necessary", which is too wide a definition of how powers of stop and search can be used.

I am also confused by the Conservatives' position and perhaps a Front Bencher could assist me. The Conservative party's proposals, which were published on 28 August and which have the racy title, "It's Time to Fight Back", which is what one gets if one employs the former editor of the *News of the World* to decide one's policies, contain a description by the party leader. He says:

> "This document sets out what the Conservative party would do in Government to tackle Britain's crime crisis."

The first proposal is:

> "Abolish the stop form...A Conservative Government will scrap the stop form and allow officers to stop and question an individual without making a written record."

However, new clause 8, tabled by the Conservatives, states:

> "Any authorisation under this section shall...be given in writing signed by the officer giving it."

Further on, it states:

> "Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section...A person who is searched by a constable under this section shall be entitled to obtain a written statement...Where a constable has carried out a search in the exercise of the power under subsection (4) he shall make a record of it in writing"—

and so on.

James Brokenshire: I am delighted to have the opportunity to intervene. I would point out to the hon. Gentleman that there is an important distinction between a stop and a stop and search. We believe that a stop form for a stop is inappropriate, but we recognise that recording in relation to stop and search is a different matter.

Mr. Browne: I am grateful for the clarification. So were the Conservatives' policy to be implemented, no form would be required on stopping and questioning an individual, but if they were searched by a junior officer it would have to be put in writing. It was worth clarifying that point, because the impression created by

[Mr. Jeremy Browne]

Conservative Front Benchers is that all the paperwork is terribly burdensome and were they ever again in a position to implement policy, they would do away with all those burdens that the police find so irksome on occasion. However, that is not what new clause 8 says. I suppose that they have managed to achieve the objective of satisfying the public that the powers will not be widely used while also satisfying those who are concerned about civil liberties.

To highlight a concern for people who take civil liberties seriously, I wish to refer to two written answers that I have received this year. On 17 April, the Government confirmed that there were 41,300 incidences of stop and search in 2005, and that represents a 94 per cent. increase in the past 10 years. On 16 October, the Government confirmed that there had been a fourfold increase in the number of people stopped under the Terrorism Act 2000, to 32,062 in 2004-05. I draw the Minister's attention to the scale of that activity. To extend the scope of stop and search and the circumstances in which it can be used will not automatically imply that more people will be stopped and searched. It may mean that the power is used with greater targeting, accuracy and effect, and for the sake of everyone who is concerned about gun and knife crime, I hope that that is the case.

Mr. Cox: The power to stop and search randomly is a power that should be exercised with the greatest of care. The right hon. Member for Leicester, East (Keith Vaz) made some telling points about the sensitivity that the exercise of such an apparently random power requires, especially in communities where ethnic minorities predominate. There is no doubt that in the past the power has been exercised without the necessary sensitivity, and that has caused considerable resentment in many of the communities that have been exposed to it.

There is also no doubt, however, that we are faced with an unprecedented situation. Serious violent crime is rising. The prevalence of the use of knives on our streets is a phenomenon that is growing alarmingly. We can all cite anecdotal evidence of the use of knives at increasingly younger ages. The law enforcement authorities are faced with the impossibility of preventing the use of knives on our streets with ever diminishing inhibition by ever younger perpetrators.

It is in those circumstances that we have heard voices recently drawing to our attention the need for greater powers for the police to be able to stop and search. It is important to recall that the powers that are exercisable under the Criminal Justice and Public Order Act 1994 can be exercised only if an inspector has decided that he has reasonable grounds to suspect that a serious violent incident may take place in a particular locality or that in that particular locality there are grounds to suspect that someone is carrying a dangerous weapon.

It is important to carry out the kind of community relations and consultation of which the right hon. Gentleman spoke. It is important to get across to those communities that when the police use the power that they were given under the 1994 Act, they are doing it to protect the public, including not only those who have not been stopped, but those who have been stopped and are innocent. It is not always done with the necessary sensitivity. The right hon. Gentleman may have had experience, in a professional capacity, as I certainly have, of incidences of stop and search that have not been carried out with the sensitivity required. However, it is vital that we should remember that that critical power is used to protect all members of society, including vulnerable members of the public who are at risk from those wielding those types of weapons.

We must start from the position that the House has conferred, in carefully safeguarded circumstances, an important power on the police. We have to ask whether we have reached a situation in which we need to consider a limited—and also carefully safeguarded—extension of that power. I believe that we have reached that position. The tide of violence that seems to be sweeping our streets among not even adults, but children, needs some measure of response. However, as the right hon. Gentleman said in his impressive contribution, it must be a measured and limited extension. That is why the Government's intention in the amendment is understandable and laudable. They propose a narrow extension. They wish to clarify the law so that there is no doubt that, where a serious violent incident has taken place, a police officer of the rank of inspector may say, "I have reasonable grounds to believe that somebody may be carrying the weapon that has been used in that incident, therefore I shall authorise random stop and search powers, in the interests of detecting crime"—note that it is for the purpose of detecting crime, not preventing it.

7 pm

The provision relates not to preventing crime but to detecting it, so, having reflected on what the Minister said, I can see that there may be some value in a clarification of the law, because it must be arguable that the law already extends to that situation. Equally, no doubt, I can imagine—I blush to confess it—a member of my profession advancing to a learned judge the proposition that the statute is plainly intended for the prevention of crime, not the detection of crime, so to purport to exercise the power under the provision is unlawful.

The new clause clarifies the law. It does not really extend the law, as the power may already exist, but makes it clear that the law can be used for the detection of crime, not merely for the prevention of crime under the proposal. The serious violent incident could have taken place some days previously; there seems to be no proximity of time and perhaps the Minister could assist me on that point in his closing remarks. The provision does not seem to require there to be any proximity in time between the serious violent incident and the authorisation of the stop and search power. The serious violence could have taken place some months beforehand, but if the officer conceives that the weapon used in the incident is in a particular place, he can authorise the use of stop and search.

Such clarification may be useful, but I urge the Minister to reflect on the fact that the time may have come for a measured extension of the power, and my hon. Friend the Member for Hornchurch (James Brokenshire) proposes just such a measured extension. My constituency covers a large rural area, which includes five or six market towns many miles distant from a major conurbation. Their police stations are often manned not by inspectors, but by sergeants. If there is disorder in a market town or a large village—such disorders can occur even in small villages—the sergeant will be faced with the decision about the police reaction to the disorder. It may thus be valuable to permit the sergeant, without seeking out his inspector, who may be 50 miles away and have no real knowledge of the circumstances that led to the sergeant wanting to take the action, to authorise for a limited period of time—we propose six hours—the use of the stop and search power. It must be remembered, however, that the officer can do so only if he has reasonable grounds to believe that a serious violent incident may be committed or that a person is carrying a dangerous offensive weapon. In far-flung rural areas, such as the one I represent, entrusting that power to a sergeant, who may be in charge of the police station in which he is based, could be a valuable and useful measure.

Our proposal could be valuable and it is worthy of serious reflection. It would invite, I respectfully submit to the Minister, wide consensus and it is not to be dismissed out of hand.

Mr. Walker: I am grateful to be called to speak in this important debate. I did not serve on the Committee, but I speak as a parent. Like many Members, I am appalled and heartbroken every time I see yet another mother or father—another family—mourning the loss of a child. It is not just the life of the child that is destroyed—gone, vanished—but many connected lives: brothers and sisters, friends, grandparents, mothers and fathers and aunts and uncles. It is a tragedy beyond compare when a young life is needlessly taken, which is why it is so important for us in this place to come together, not just today but every day, to try to reduce the incidence of such tragedies.

I listened carefully to the speech of the right hon. Member for Leicester, East (Keith Vaz). He made some good points. A couple of weeks ago, I was pulled over by my police when I was with my daughter travelling back from the school play. We had bought a bag of doughnuts from Tesco and were on our way home when for no reason that I could see—although it was something to do with my driving—I was pulled over by a police car that had followed me for a mile and a half. I was angry and frightened—that is me, a middle-class Member of Parliament. When I recounted the story to a friend, he asked, "How would you feel, Charles, if that was happening weekly or fortnightly and if you were black or Asian?" I can tell the House that I would feel hurt, angry and embittered towards those subjecting me to such searches. That is why we need to be careful.

We need to balance the interests of communities and the people who live in them with the interests of those who are stopped and searched.

Keith Vaz: I am most grateful to the hon. Gentleman for recounting that story. What was the police explanation for why he was stopped?

Mr. Walker: First, the officer asked whether I had been drinking, to which I replied that I had not had a drink for three and a half years. I asked why he had pulled me over and he said that my driving was erratic. I disagreed with that. Then he said, "And you were following the speed limit all the time we were behind you." I explained that as the local Member of Parliament I tend not to speed in my constituency as I do not want tickets. I was also told that I came under suspicion because I approached a roundabout at 20 mph, whereas most people do so at between 30 to 40 mph.

There is a place for the proposed laws, but we need to make sure that they are applied sensitively and that we do not alienate members of the community whom we need on our side. If we are to tackle the appalling rates of gun and knife crime, it must be a community-wide exercise. We cannot rely on the police to do it for us, because if we do so, they will surely fail. We need to involve community leaders, parents and schools. They have the power to reach young people at an early age and set them on the right path, to teach them the difference between right and wrong.

These laws alone will not end gun and knife crime. When they come into force, gun crime and knife crime will not fall quickly or automatically. The laws are part of a template; they are building blocks for reducing gun and knife crime, but to do so we need fully to engage our communities and the people who can and do reach young minds to ensure that they choose the right path and make the right decisions.

It is not just that the young lives of those who are killed so tragically are snuffed out; the perpetrators of those crimes are affected, too. Often they are young people or children—almost babies. As soon as they use a knife or a gun their life, in effect, is over, too. It is important that the House understands that the issue is deeply complex. All parties must work together to ensure that over the next decade we have a happier story to tell than over the past decade.

Mr. Coaker: I thank all Opposition Members and my right hon. Friend the Member for Leicester, East (Keith Vaz) for an excellent debate. It would be easy in such debates for hon. Members on both sides of the House to grandstand, to try to grab headlines and to make the easy speech. However, as Opposition Members and my right hon. Friend have said, this issue cannot be solved by headline-grabbing or populist measures, but requires a menu that includes all the various options available to us.

No one can fail to have been moved by the families involved, and the hon. Member for Hornchurch (James Brokenshire), my right hon. Friend and, indeed, all hon. Members have met some of them and seen the consequences of what we are talking about: real communities, real families and real young people, whose lives have been devastated by this sort of violent crime.

If I could do one thing at the Dispatch Box that meant that no one would be shot or stabbed and that there would be no violence at all on our streets, I would do it: I would pass that measure or seek to ensure that the House passed it tomorrow. Indeed, if any hon. Member had a magic wand that could immediately bring an end to all that violence, he or she would surely wave it. In fact, the debate has demonstrated that the solution and the progress that must be made will come about through steady actions, and the Government have taken a number of them. I want to mention a few of those actions before I address some of the comments made by Members.

[Mr. Coaker]

The Government have recognised that this is not only a matter of enforcing and strengthening the law; there are other solutions, although, of course, enforcing the law has an important part to play. The hon. Member for Taunton (Mr. Browne) mentioned the mandatory minimum five-year sentence, about which there are concerns, although the length of sentence for the possession of firearms has increased from 12.1 months in 2004 to 47.3 months. Again, the hon. Gentleman mentioned the need for the supply of guns to be prioritised, and Customs has agreed to make tackling the supply of guns a priority for the first time. Customs will therefore generate fresh intelligence on gun supply and prioritise suspected trafficking cases—another step forward that we have taken.

Prevention is also vital. Every hon. Member who spoke in the debate not only talked about the enforcement of the law and the tough measures that need to be taken, but pointed out that prevention is crucial and that the work that takes places in communities is essential. Every Member will have been to different communities and seen the work of community groups. Surely, if we have to do one thing, it is to empower community organisations and groups in the affected areas to take the required action.

We are looking at what more we can do to support organisations, such as Boyhood to Manhood, which works particularly well in Southwark to extend positive role models for young people, and Mothers Against Guns and Mothers Against Violence—run by people who have used the horror of what has happened to their own family to try to ensure that it does not happen to others. We are considering what we can do for street pastors—people who, through the power of their faith, go out on the streets to take action against some of the problems that we have seen.

Let me share just one experience when I was out with the street pastors in Brixton recently, dealing with problems on the street. I do not know what other hon. Members think, but I imagined that all the street pastors would be 6 ft 6—all built a bit like the England rugby pack. *[Interruption.]* It is good example, but an unfortunate result. In fact, when an incident arose, the person who went over and dealt with it was a 78-year-old grandmother. The young people she spoke to respected and valued her. If we could only harness such power, we could do more to prevent crime. It is not only about enforcement or tackling the supply of guns, but about prevention and working with communities. As we have heard, it is also about trying to encourage witnesses to come forward, protecting them and giving them confidence.

7.15 pm

There is no headline solution to the problem; there is only a solution that needs us all to take step-by-step action to cover all aspects of that problem. The hon. Member for Taunton said that we need to address the broad issues, not just those of stop and search. Given the points that I have made, I hope that he will feel that some progress is being made to ensure that there is not a one-club solution—it is not just either/or—but that all those issues taken together will ensure that a broad strategy is implemented that can make a real difference.

I thank my right hon. Friend the Member for Leicester, East, whom I have known for a number of years, for pointing out that, whatever decisions we make about stop-and-search powers, we need to recognise both that we can make progress only with caution and that very real problems exist—the disproportionality to which he referred. It is worth repeating, as he did, that black people are six times more likely to be stopped. If we are to be effective and proportionate, we must take account of such statistics and ensure that we do more to inspire confidence among those people that the powers that we may give to our police will not be used disproportionately.

Keith Vaz: The hon. Member for Broxbourne (Mr. Walker) has told us what happened when he was stopped. He is clearly not black. Obviously, the police were not after his doughnuts. They stopped him because he seemed to be obeying the law. So as part of the deal to vote for more police powers, will my hon. Friend and his colleague, the Minister for Security, Counter-Terrorism, Crime and Policing, ensure that the police understand that, in giving them more powers, we want them to act sensitively, whether towards black people or people who are not black?

Mr. Coaker: I thank my right hon. Friend for that intervention. We will, of course, ensure—I give him this commitment—that in extending these powers, as we hope to do under new clause 9, we speak to the police and reinforce the need for proportionality in everything that we do. Indeed, as he will know, one of the reasons we set up the stop-and-search action team was to try to address both disproportionality and to assist forces in making arrangements to record stops and to ensure that stop-and-search powers are properly implemented by the police.

The gist of the debate is that we all agree that stop-and-search powers need to be revisited at times. We need to ensure that our laws work effectively. However, I tell the hon. Member for Hornchurch that my key objection, which is supported by the hon. Member for Taunton and by my right hon. Friend the Member for Leicester, East, is our concern about lowering the rank of officer who can authorise stop and searches. We are not persuaded that that would be the right thing to do. Notwithstanding the comments of the hon. and learned Member for Torridge and West Devon (Mr. Cox), in most areas that I visit across the country, both urban and rural, the local area commander—the person responsible for the delivery of neighbourhood policing—is the local inspector. In the first instance, the local inspector is the most appropriate person to determine the initial authorisation.

The hon. and learned Member for Torridge and West Devon, who made a good speech, agreed with the action that the Government are taking and believed that it would clarify the law on extending stop-and-search powers to something that happens after a violent incident has taken place, so that we can detect crime, thus enhancing the existing powers that are intended to prevent crime. He asked us to keep the various stop-and- search measures under review at all times, and to keep under consideration the points made by the hon. Member for Hornchurch. I said in my introductory remarks that we will always keep the various powers that are available under review to ensure that the law is good, and that improvements are made where necessary.

The hon. and learned Member for Torridge and West Devon asked me whether there is any need for proximity in time. There is no such requirement in the new clause, but the new powers should be used as close to the time of the incident as is possible.

The hon. Member for Broxbourne talked about the need to ensure balance in the law. He made an important point. In everything that we do with respect to stop and search, we recognise that we are talking about an extension of the power and an erosion of civil liberties. In the main, that is done to try to ensure that we prevent crime and protect our communities—something that we all wish to do. The Government new clause offers a further way of protecting the public, but it does so in a proportionate and considered way. I urge the House to support it.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 5

SHARING OF COMMUNICATIONS DATA

'In section 25(1) of the Regulation of Investigatory Powers Act 2000 (c.23) (interpretation of Chapter II), for paragraph (g) substitute:—

"(g) an ambulance service or fire authority;

(h) the Health and Safety Executive;

(i) the Serious Fraud Office;

(j) any such other public authority not falling within paragraphs (a) to (i) carrying out duties of a similar type or nature to those public authorities identified in those paragraphs as may be specified for the purposes of this subsection by an order made by the Secretary of State.".'.—*[Mr. Grieve.]*

Brought up, and read the First time.

Mr. Dominic Grieve (Beaconsfield) (Con): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government amendments Nos. 42 to 46.

Amendment No. 83, in title, line 11, leave out from 'amendments' to 'in' in line 12.

Mr. Grieve: I present to the House new clause 5, which stands in my name and the names of my hon. Friends; amendment No. 83 is consequential on it. Through its long title, the Bill offers us the opportunity of looking at the working of the Regulation of Investigatory Powers Act 2000, to which the Government have proposed minor amendments. RIPA, as it is known, is an extremely controversial statute. It was introduced to provide an overarching framework under which material could be obtained by Government agencies for a number of purposes set out in the legislation.

The argument was that by setting out an overarching structure, we would simplify existing rules, which provide law enforcement agencies with a variety of powers to obtain data communications material. I should make it clear that historically there has been absolutely no doubt that such material is required by law enforcement agencies. RIPA followed on—this is rather an important aspect of the matter—from the *anti-terrorism measures of 2000*, in which the Government came to a voluntary agreement with service providers that the Government would retain data for counter-terrorism purposes. However, when RIPA came on to the statute book, it became apparent that far from being confined to the purposes of anti-terrorism, the material—which, under that voluntary agreement, was retained for 12 months—would be made available for a much wider range of uses. Those uses included not only the ones that one might normally expect for preventing crime, but use in connection with

"the interests of the economic well-being of the United Kingdom",

and

"the purpose of protecting public health",

as well as public safety, emergencies, collecting taxes and, most significantly of all,

"for any purpose...which is specified for the purposes of this subsection by an order made by the Secretary of State",

even if that purpose was not included in the main body of RIPA's text.

RIPA specified a number of public authorities whose inclusion most Members would regard as absolutely straightforward—police forces, the National Criminal Intelligence Service, the National Crime Squad, Customs and Excise, Inland Revenue and intelligence services—but in addition it provided a catch-all phrase, which allowed the inclusion of

"any such public authority not falling within"

the list

"as may be specified...by the Secretary of State."

Since then, if my research is correct, three statutory instruments have been made by the Government, producing an extremely long list of public authorities that may gain access to such material for a variety of purposes.

Again, it might be said in this House that some of the inclusions are understandable; for example, the emergency services are included, for the purposes of investigating crime—in that case, I think that the crime is likely to be hoax calls. However, the list goes on to include the Department of Trade and Industry, the Department for Transport, the Department for Environment, Food and Rural Affairs, the Food Standards Agency, the Department of Health, Home Office immigration services, county and district councils, the Charity Commission, the Environment Agency, the Gaming Board, the Information Commissioner, universal service providers—that is essentially the Post Office—and the Postal Services Commission. And the list goes on.

The vast majority of the bodies listed are included for the purposes of detecting or preventing crime, but that prompts the question whether it is a proportionate use of RIPA's draconian powers to apply them to such purposes. The criminality that a large number of the organisations mentioned are likely to investigate is not of the most serious kind. Let us take as an example the Health and Safety Executive, which our new clause would preserve in the list. I have prosecuted quite

[Mr. Grieve]

frequently for the HSE, and I accept that there may be times when, in the course of bringing a prosecution, getting hold of data relating to telephone calls that a person might have made could be useful, but the irony is that that power has always existed for use in the course of criminal proceedings. If someone thinks that they will need such material, they can always apply to the judge during the proceedings, and that applies to every single one of the organisations with which we are concerned.

What the Government have done is provide a general power, not for the purposes of prosecuting a case, but for background investigation of the activities of individuals, where that might be necessary for the prevention of crime. It is also noteworthy that at least one of the powers in RIPA—that in clause 28(3)(c), which relates to

"the interests of the economic well-being of the United Kingdom"—

has, as far as I am aware, never been used. Its use would be a rather controversial subject, particularly if it was not linked to criminality.

When the original RIPA rules were presented in Committee upstairs, there was a storm of protest, particularly because the Government introduced the rules, and had the debate, before the publication of the report by the Joint Committee on Human Rights, which highlighted the fact that it thought that many of the powers being granted might well not pass the proportionality test, if they were challenged. Of course, one of the problems that we have is that challenging the powers is difficult, because most people will never know that they have been investigated, and that the powers have been used. Of course, the Information Commissioner can look into those matters, but individuals may well have their privacy invaded without ever being able to protest, because they will never have known about it.

In view of that, we thought it right to try to encourage the Government to revisit the issue during the passage of the Bill. New clause 5 is designed to allow just that. It preserves the inclusion of the public authorities that were originally provided for in RIPA—police forces, intelligence services and the like—but would merely add:

"(g) an ambulance service or fire authority;

(h) the Health and Safety Executive"—

because we recognise that public safety cases may require such investigation—

"(i) the Serious Fraud Office"

and, most importantly,

"(j) any such other public authority not falling within"

the list that I gave

"carrying out duties of a similar type".

The purpose is to restrict the further list of public authorities essentially to the normal law enforcement agencies, and not, as is the case under the Bill, progressively to widen the scope, with the distinct possibility—and this is the most worrying prospect—that it could be further widened in future simply by statutory instrument.

7.30 pm

Recently, RIPA's entire architecture has been subject to criticism, as the Minister will know, by a roundabout route. As a result of an EU directive implemented by the Government, the voluntary agreement on the retention of material has become permanent with the service suppliers, and the Government now have access through the EU directive to the information to which they had access under that agreement. That raises an interesting issue—and I hope that the Minister can answer this point—as we introduced a voluntary agreement designed specifically to deal with terrorism that was extended much further in RIPA. Through an EU directive, the boundaries of the provision have extended far beyond what was originally envisaged in the voluntary agreement effectively to cover every aspect of Government activity in this country.

That is not a happy state of affairs, and although I accept that new clause 5 is reticent in tackling the underlying problems in the legislation, which may require radical amendment, it at least offers us an opportunity to reconsider the road that we took when RIPA was passed. I do not think that the issue is going to go away: the public concern that has been expressed is entirely legitimate, and there is growing anxiety about the extent to which we may be creeping into a surveillance society. One of the arguments made for RIPA was that it would bring under one umbrella all the state's investigatory powers to obtain information on communications retention. However, that has not happened, as far as I am aware. Departments such as the Department for Work and Pensions have completely separate powers, enacted by the House, which undermines the need for RIPA in the first place.

I hope that the Minister will respond to my concerns and consider carefully whether, in fact, there are not better ways in which to proceed. I do not entertain huge hopes that we will succeed this evening in a Division, but I hope that at least the new clause will send the Minister a signal that the matter ought to be revisited, preferably by the Government after further consultation, because it raises the question of creeping, incremental powers for the state, which is not desirable without further debate. As often happens in the House, we have succeeded in putting together a package that will have a substantial impact on the liberty of the individual without appreciating the full force of what we are about. I hope that the Minister will respond positively to the proposal, even if he does not support the new clause, and explain how the Government propose to approach those problems in future.

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): I have no doubt that many of matters raised by the hon. Member for Beaconsfield (Mr. Grieve) are legitimate matters for debate, but this is not the time for that debate. As he suggested, new clause 5 will not achieve what he seeks to achieve, not least because of the orders that were passed on 1 October in the House. We can debate the rocky road that we have travelled on RIPA, but that is a debate for another time. The new clause seeks to address the list of public authorities that may obtain communications data under chapter 2 of part 1 of RIPA, but it fails to achieve that aim. RIPA already provides that an order specifying additional public authorities that may obtain communications data must be debated and approved by a resolution of each House.

We had a substantive public debate in 2003 in which we set out public authorities' necessary and proportionate requirements for obtaining data, and explained why various authorities had investigating and detecting duties in safeguarding public safety and public health. Parliament discussed the Regulation of Investigatory Powers (Communications Data) Order in November 2003, an order amending that order in 2005, and a further amendment in 2006. Public authorities' requirements were set out in the explanatory memorandums for each order. The new clause does not undo any of those orders.

Mr. Grieve: I recommend that the Minister read the debate on the 2003 order. It was an extremely bad-tempered event, because the Government were late in presenting the relevant material to the House and they did not wait for the report from the Joint Committee on Human Rights. Many of the criticisms that I have made today were voiced then, but the Government have not done anything about them.

Mr. McNulty: I was not challenging the notion that those debates were bad tempered—I have read them, and that is extremely clear—but they are over, and orders and secondary legislation have been passed. There is nothing in the new clause that changes any of that, even though the hon. Gentleman said that that is the aim of the new clause.

I am happy to debate RIPA and what public authorities should, or should not, be allowed to do, and what they can do with the three different grades of communications data. Much of the discussion of the orders that came into force on 1 October was based on erroneous facts. It was thought that hundreds of authorities would be allowed access to the highest level of communications data, but that is not the case. It was suggested that any number of public authorities would be allowed to access that data for tax purposes, but that is simply not the case. Naturally, Her Majesty's Revenue and Customs can do so, because that is part of its duty. We were given the impression that, notwithstanding the detailed orders and regulations, there would be a free-for-all, in which, as the hon. Gentleman implied, every arm of the state would have ready access to the most detailed communications data. That is not the case, but new clause 5 fails to address that. It may a useful device in airing the notion that we need a detailed debate on the relevant provisions in RIPA—I give the hon. Gentleman that—but this is not the time to hold that debate.

Mr. Grieve: I disagree with the Minister. If the new clause were accepted, it would immediately create an incompatibility between RIPA's new wording and the scope of the orders passed by the House. The primary legislation would no longer back up the full scope of the secondary legislation, particularly the organisations that have been given those powers.

Mr. McNulty: The hon. Gentleman is far more erudite and expert in those legal matters than I am. I watched with admiration as he danced on the head of a legalistic pin to good effect, but I am told in substantial terms that what he seeks will not be achieved by the measure. The impact that he seeks to achieve on the orders that came into force on 1 October will not prevail. That is a matter of dispute: the Department's lawyers challenge his view—he will be used to that position, too. However, there will be opportunities—I go this far with him—to revisit and discuss the substance of the provisions of RIPA with respect to communications data. The new clause is not the way to do that.

Let me deal with the proposals in the Government amendments, which are straightforward. They make it clear that only senior HMRC officials can authorise the use of intrusive surveillance powers. I am pleased to bring the amendments to the House in response to concerns raised in Committee, principally by the hon. Member for Hornchurch (James Brokenshire). Commenting on concerns raised by the Law Society, he asked that the Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker)—he was in Committee, happily, not me—consider whether it could be made clearer precisely who was mandated by the provisions. That is what the Government amendments seek to achieve.

Although I accept the broad thrust of the contextual introduction by the hon. Member for Beaconsfield to debates about RIPA and communications data, this is not the place or the new clause to change that. In any case, the new clause as drafted would not achieve the hon. Gentleman's objective. In that happy consensual spirit on the Government amendments and partially consensual approach on new clause 5, I hope he will withdraw new clause 5 and that the Government amendments, tabled not least at the insistence—very eloquent, I am sure—of the hon. Member for Hornchurch, prevail.

Mr. Grieve: Let me start by saying some pleasant things to the Minister. I thank him for the amendments that the Government have tabled in respect of the level of officer in Customs and Excise authorising intrusive surveillance. We are grateful for the Minister's response to the representations made by my hon. Friend the Member for Hornchurch (James Brokenshire). We welcome the amendments and will gladly support them.

On our amendments, there is that classic difference of approach between Government and Opposition, which, I am afraid, will continue to separate us. The Minister may be right that the Bill, which deals with many other matters, was not the easiest place for us to focus on what we perceive to be the serious deficiencies of RIPA. I also accept that amending the legislation in order to achieve all the points that I raised in the course of debate is difficult without a complete overhaul of the architecture of the Act, but it is still worth attempting. I differ from the Minister in the belief that if the amendment were passed, it would alter the way in which the Act can be interpreted and which public authorities could remain on the list of those who could obtain the information.

With that in mind, and with the background fact that the legislation is causing public disquiet, on which there has been a considerable amount of comment, even though I am the first to accept that its origins may

[Mr. Grieve]

have been reasonable when it was first considered, it is the duty of the Opposition at least to seek the opinion of the House to see how many Members share that disquiet. I shall therefore put the new clause to the vote.

I am grateful to the Minister for showing a willingness to listen to some of the problems that have been caused by this area of legislation. We are undoubtedly living in a period of our history where the power and rights of the state to intrude into citizens' lives have increased beyond all recognition, compared with the position 10, 15, 20 or 30 years ago. We are in serious danger of accepting as a norm what our forefathers would have regarded as an outrage. Although there are security considerations that we must balance, on the back of security we are in danger of creating a highly regulated state that is rather poor at bringing about behavioural changes in relation to the observance of the law.

That is one of the big topics that we must face in the House, and I suspect it is one to which we will return over and over again. It would be helpful if we could reach a degree of consensus in all parts of the House on how to strike the balance, but I am pretty well convinced in my own mind that at present the balance is far too skewed towards the intrusive powers of the state and far away from the rights of the individual.

Question put, That the clause be read a Second time:—

The House proceeded to a Division—

Mr. Deputy Speaker: Order. May I ask the Serjeant to investigate the delay in the No Lobby?

The House having divided: Ayes 198, Noes 273.

Division No. 214] [7.45 pm

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Barrett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh
Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robertson, Hugh
Rogerson, Dan
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Sir Robert
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Nick Hurd and
Angela Watkinson

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mr. Dave Watts

Question accordingly negatived.

Clause 1

SERIOUS CRIME PREVENTION ORDERS

8 pm

Mr. Jeremy Browne: I beg to move amendment No. 63, in page 1, line 6, after 'satisfied', insert 'beyond reasonable doubt'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 75, in line 6, after 'satisfied', insert 'so that it is sure'.

No. 65, in page 2, line 3, at end insert—

'(c) it is informed by the Director of Public Prosecutions—

(i) that there is no reasonable prospect of a successful prosecution of the individual in respect of the involvement in serious crime in question, or

(ii) that such a prosecution would not be in the public interest.'.

No. 64, in line 5, after 'satisfied', insert 'beyond reasonable doubt'.

No. 76, in line 5, after 'satisfied', insert 'so that it is sure'.

No. 66, in line 9, at end insert—

'(c) it is informed by the Director of Public Prosecutions—

(i) that there is no reasonable prospect of a successful prosecution of the individual in respect of the involvement in serious crime in question, or

(ii) that such a prosecution would not be in the public interest.'.

No. 77, in line 13, leave out 'appropriate' and insert 'necessary and proportionate'.

No. 67, in clause 2, line 38, leave out from '1' to end of line 41.

No. 68, in page 3, leave out line 20.

No. 69, in line 23, leave out from 'Wales' to end of line 27.

No. 70, in clause 3, line 47, leave out from '1' to end of line 3 on page 4.

No. 71, in page 4, leave out line 27.

No. 72, in line 30, leave out from 'Ireland' to end of line 34.

No. 73, in clause 4, page 5, line 5, leave out from 'must' to end of line 9 and insert

'determine that the defendant acted unreasonably in the circumstances'.

No. 74, in line 13, leave out from 'must' to end of line 17 and insert

'determine that the defendant acted unreasonably in the circumstances'.

No. 78, in clause 19, page 12, line 34, leave out 'appropriate' and insert 'necessary and proportionate'.

Government amendments Nos. 1 to 10, 84, 12 and 13.

No. 79, in clause 35, page 25, line 20, leave out subsection (2).

No. 80, in line 25, leave out from 'is' to 'that' in line 27.

Government amendment Nos. 16 and 17.

No. 81, in schedule 1, page 56, line 27, at end insert—

'*Computer Crime*

13A An offence under section 1 of the Computer Misuse Act 1990 (unauthorised access to computer material).

13B An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate the commission of further offences).

13C An offence under section 3 of the Computer Misuse Act 1990 (unauthorised modification of computer material).'.

No. 82, in page 60, line 31, at end insert—

'*Computer Crime*

25A An offence under section 1 of the Computer Misuse Act 1990 (unauthorised access to computer material).

25B An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate the commission of further offences).

25C An offence under section 3 of the Computer Misuse Act 1990 (unauthorised modification of computer material).'.

Government amendments Nos. 22 and 47.

Mr. Browne: Most hon. Members, particularly those who sat through our extended periods in Committee, will accept that amendment No. 63 relates to the crux of this legislation—the principal reason why my party and I are uncomfortable with the Government's proposals.

The amendment has a simple purpose: to put the criminal standard of proof into the Bill. At the moment, the Government insist that serious crime prevention orders are a preventive, not punitive, measure and that therefore the civil standard of proof is appropriate. However, I remind hon. Members that the sanctions for those who fall foul of the proposals are severe indeed: people's travel can be restricted, within the United Kingdom as well as abroad, and they may also be restricted in where they can work, live and visit. Short of sending people to prison, pretty much every imaginable restriction on the liberty of the citizen may be involved, and if people fail to comply with the orders, the sanctions extend as far as a prison sentence. In some cases somebody contravening the orders might go to prison despite never having committed a criminal offence or having been found guilty according to a criminal standard of proof.

Furthermore, the orders can apply for anything up to five years—indeed, they are more draconian than that, because the five-year period is indefinitely renewable. Somebody could have a most severe restriction on their liberty for the remainder of their life without having committed a criminal offence or having been found guilty by any criminal standard of proof. The amendment addresses head-on that lack of legal certainty.

Baroness Scotland said in the other place:

"the court will look at the civil standard as a sliding scale, with the likely standard of proof for these orders being very close to the criminal standard of 'beyond reasonable doubt' ".—[*Official Report, House of Lords*, 7 February 2007; Vol. 689, c. 729.]

Let us stop for a moment, as we did in Committee, and consider that statement to ascertain whether it is satisfactory in respect of the protection of the citizen's liberty. The Baroness mentioned a "sliding scale"; that will ring alarm bells with some people straight away. She talked about the "likely"—another qualification—standard of proof being "very close" to the criminal standard. Everyone will note that she did not mention "the criminal standard", merely one "very close" to it.

The Under-Secretary of State for the Home Department, the hon. Member for Gedling (Mr. Coaker) said during earlier deliberations on the Bill:

> "On clause 1(1)(a), we would expect the standard of proof to be virtually identical to that for criminal proceedings"—*[Official Report, Serious Crime Public Bill Committee,* 26 June 2007; c. 19.]

Again, the caveat is entered: not identical, but "virtually identical". On Second Reading, the Minister for Security, Counter-Terrorism, Crime and Policing said:

> "we expect that the standard of proof required in relation to the question of whether a person has been involved in serious crime will be the same as in criminal cases"—[*Official Report,* 12 June 2007; Vol. 461, c. 664.]

However, that standard has not been put into the Bill; at present, according to the verbal guidance given by most Ministers, we are some way short of the criminal standard of proof. We do not know how far short we are, and it is difficult to know how the legislation will be enacted in practice, but we do know, or appear to know, that the criminal standard of proof will not have to be met for people to be subject to the restrictions on liberty and sanctions in the Bill.

To broaden my point, I shall briefly go through the scope of some of those sanctions. First, as I have mentioned, they are very wide ranging; we are not talking about a slap on the wrist. They have been called "gangster ASBOs" in tabloid parlance, although the punishment that they carry has a far greater effect than ASBOs themselves. Secondly, the sanctions are too easy as an alternative to prosecution. No one is more in favour than I am of trying to arrest and detain someone involved in crime—drawing the evidence together and putting it before a court with a jury of the person's peers. If such a person can be proved to be guilty, a criminal prosecution should be sought. However, I feel far more uncomfortable with the Bill's underlying assumption: that we essentially know who is breaking the law, but we do not have enough evidence to prove it, so we will make legislation that means that we do not have to come up with such evidence, because we can restrict those people's liberty severely without needing to prove that they have done anything wrong.

If anything, the opposite to the norm is often the case: the accused person has to demonstrate that they have not done anything wrong, rather than the other way around. A person need never have committed a crime to fall foul of the Bill, and in my party we do not regard that as a sufficient safeguard. The amendment gets to the absolute essence of the legislation, and I am keen not only to speak to it but press it to a Division so that we can try once again to put a criminal standard of proof into the Bill. I urge the Government to consider that point seriously.

James Brokenshire: The Government have sought to clarify their position on the standard of proof to be applied in considering serious crime prevention orders, but the wording of the Bill rather muddies the waters, which is why further clarity is necessary.

The starting point for the standard of proof that is to be applied in deciding whether a person has been involved in serious crime is the Government's Green Paper, "New powers against organised and financial crime", which was published in July 2006. Paragraph 3.1 states:

> "The courts would be able to impose an order if they believe on the balance of probability that the subject
>
> Has acted in a way which facilitated or was likely to facilitate the commissioning of serious crime
>
> That the terms of the order are necessary and proportionate to prevent such harms in future."

It adds at paragraph 3.4:

> "we would envisage stating on the face of the legislation that to impose an order the courts should be satisfied on the balance of probability that the test is met."

Clauses 35(2) and 36(2) are incorporated in the Bill precisely to give effect to that stated intention, as they make it clear that the standard of proof to be applied by the High Court and the Crown court is the civil standard of proof—in other words, the balance of probabilities test, or, in simple language, "Was it more likely than not?"

However, the Government have said that despite the language used in the Bill, things have moved on, and they would expect the House of Lords judgment in the case of McCann, which related to antisocial behaviour orders, to apply to serious crime prevention orders, with the effect that the aforementioned sliding scale would be adopted, incorporating something close to the criminal burden of proof. As the Minister said in Committee,

> "For clarity, let me say that we expect that, with respect to clause 1(1)(a), the standard of proof, as laid out in the McCann judgment, would be virtually identical to the criminal standard of proof."

He added that

> "as far as the Government are concerned, the judgment in McCann in the House of Lords will inform the practice when it comes to the implementation of serious crime prevention orders."—*[Official Report, Serious Crime Public Bill Committee,* 26 June 2007; c. 17-18.]

So the expectation is that the McCann judgment would apply or that it would "inform the practice". What has not been said is that that will be the practice. That is why I remain of the view that it is important, for the sake of certainty and clarity, to avoid the need for case law, and for interpretation to make this relatively simple issue clear in the Bill by way of the amendments.

Mr. John Gummer (Suffolk, Coastal) (Con): Does my hon. Friend agree that when something like this is not made clear, it means either that the Government have not made up their own mind about what they want or that they do not want it to be clear? In the end, the judgment is based not on the Minister's words but on the words in the Bill. I am worried that we are instigating a procedure that is justifiable only on the basis of the normal criminal measurement of guilt, and pretending that it is almost that although it is actually something much less.

James Brokenshire: My right hon. Friend makes an extremely powerful and effective point. It is extremely strange that this simple and narrow point has not been taken on board in the language of the Bill. As the

[James Brokenshire]

Minister will see from the amendments, it does not require a huge amount of drafting to clarify the burden of proof required to demonstrate that somebody has been engaged in or involved in serious crime. One must therefore question why there is such reluctance to take that on board and to make the changes that we believe are necessary. We think it appropriate for the situation to be made clear in the Bill, and our amendments Nos. 75, 76, 79 and 80 would give effect to that.

The Government have said throughout the passage of the Bill that the orders in part 1 are intended to be a preventive civil tool rather than a punishment. Indeed, as we have already discussed, that approach is essential to compliance with the European convention on human rights. There is little doubt, however, that these orders could be extremely wide ranging in nature and scope and be quite draconian. That point has been rehearsed on many previous occasions on Second Reading and in Committee, and I do not intend to delay the House unduly with it. However, given the need to make it clear that the powers should be used in a preventive way, it is important that this House states that the terms of the order should be "necessary and proportionate" in order to prevent the harm of serious crime. This is not about questioning the integrity of the court but about providing a clear statement of purpose which should aid compliance with article 6 of the ECHR.

8.15 pm

Mr. Coaker: I am glad that the hon. Gentleman added that rider. He must have suddenly realised, when he said that he hoped that the orders were proportionate, that he was suggesting by implication that the High Court—which is, as he knows, a public authority for the purposes of the Human Rights Act 1998—would be acting in a disproportionate way.

James Brokenshire: By using the word "appropriate", the Minister is suggesting that the High Court would operate in an inappropriate way; otherwise, he would not have put the word in the Bill in the first place. I do not accept his argument. For the purposes of clarity, "necessary and proportionate" sums up very clearly what we believe should be stated in the Bill.

There remains a genuine concern that the orders may be used in a way that subverts or replaces the existing criminal process. Paragraph 3.2 of the Green Paper notes:

> "As with other disposals available to agencies like the FSA, those deciding whether to prosecute or pursue a civil order will need to decide which disposal is most likely to reduce harm in the long run, while taking due account of the public interest in prosecutions."

It is therefore envisaged that orders may be sought as an alternative to a prosecution. This is a road down which we must proceed with caution. Civil orders can have a part to play in combating crime, although the way in which the Government have introduced and implemented such orders in the past hardly makes the case well. The Minister has said that only about 30 such orders are intended to be issued annually and that the main target will be the Mr. Bigs, although the Green Paper talks about orders being applied to "individuals on the fringes" and "peripheral players". The point is made that if someone is caught within the ambit of the Bill, clause 4 provides a reverse burden of proof for them to show that they have acted reasonably. The problem is that we do not know how this new power will be applied in practice. Even at this late stage, if the Government are not prepared to accept the amendments, I urge them to provide for a formal mechanism to monitor and renew the orders so that they do not start to be seen as an easy option when a formal criminal prosecution could and should be made to deal with a serious criminal.

Then there are the crimes that are deemed to be serious in the first place in order for an serious crime prevention order to be considered. There is a need for certainty and clarity, and it is right that the offences regarded as serious should be stated in the Bill rather than left open for further interpretation. It seems astonishing, given the increasing threat, its interrelationship with most other criminal activity, and the level of organisation and technological sophistication that now lies behind it, that computer crime is not considered a serious crime and stated in schedule 1. That appears to be a glaring omission when one considers that fishing for salmon, trout or freshwater fish with prohibited instruments is considered under the Salmon and Freshwater Fisheries Act 1975 to be a serious offence. That implies that the Government do not regard computer-enabled cybercrime as serious or a priority.

Such crime hurts more and more people each day, with some surveys suggesting that the public feel more at risk of being the victim of an online crime than they do of any of the other, more high-profile offences. A survey by the Government-sponsored Get Safe Online website asking people of which of a series of crimes they felt most at risk in their everyday lives showed that 21 per cent. identified internet crime—higher than burglary at 16 per cent., mugging at 11 per cent. or car theft at 8 per cent. Online crime is growing fast. According to Get Safe Online, 10 per cent. of internet users were the victims of an online fraud in 2006; the average loss for each individual was £875. It is not just a matter of fraud, but of trojans, viruses and other malware that damage people's computers, as well as misusing them for botnet attacks on others. There is also identity fraud, where individuals' personal details and credit card information are harvested by clandestine means and traded as currency among criminal gangs. Such crime undermines confidence in the use of the internet as a trading platform and its role as an effective means of communicating information.

The Government are not immune from attack. The tax credits website was shut after fraudsters used security lapses to make bogus claims and steal the identities of 13,000 staff at the Department for Work and Pensions and Network Rail. It is unlikely to reopen before next year. Business has been hit hard. During the past year, 84 per cent. of large businesses are thought to have suffered a malicious security incident. The Metropolitan police estimate the average losses to a large company of an e-crime attack at anywhere between £65,000 and £130,000, rising to £1 million for a large corporate entity. Against such a background, it seems astonishing that computer-enabled crime should not be considered as serious under the Bill.

On Second Reading, the Minister for Security, Counter-Terrorism, Crime and Policing said:

> "This Bill is designed to fill the gaps and lacunae that exist in the law, and its scope does not extend to every crime that, however remotely, could be construed as serious. As I said earlier, the Bill and schedules have been devised precisely to fill what we perceive to be holes in the existing legislation covering serious and organised crime."—[*Official Report*, 12 June 2007; Vol. 461, c. 663.]

I would assert that not including cybercrime in the Bill creates a very big hole, as such crime is serious, organised and poses a significant threat to an increasing number of people, and it should be treated as such. Accordingly, amendments Nos. 81 and 82 would improve the Bill by inserting various offences under the Computer Misuse Act 1990 into schedule 1 to send a clear message to those intent on causing us harm that my party treats the issue extremely seriously, even if the Government do not. I will listen carefully to how the Minister responds and to his explanation of the Government's position on this issue. It is so serious that if we do not receive appropriate assurances, the matter should be pressed to a Division.

The changes proposed to the serious crime prevention orders by the Government appear largely technical in nature, and do not address the fundamental issues highlighted by us and by the hon. Member for Taunton (Mr. Browne), except for Government amendment No. 3, which deals with the appeal process. That amendment effectively clarifies the appeals process through the criminal division of the Court of Appeal and on to the supreme court, and adds language to the provisions. However, the Government have reserved an order-making power under what will be inserted as clause 24(9) and it would be helpful if the Minister clarified the use of the power, the intention behind it and how it would operate and interact with the new appeal process.

We will listen carefully to the Minister's response, but there are a number of serious issues relating to the clarity, confirmation and scope of serious crime prevention orders. Even at this late stage, I hope that the Minister will listen carefully to the significant reservations that have been raised tonight and previously, both inside and outside the House, and insert some quite simple measures to give the clarity and certainty that so many people want.

Mr. Gummer: I shall apply myself to the specific issue of certainty and clarity. When the Minister said that the tests would be virtually the same, it raised an important question. If they are virtually the same, why can they not be the same? It is no more difficult than that. I raise that question particularly because other Ministers have often suggested that they are the same. Similarly, in the discussion we had a few moments ago, all the words that I used are used by those who want greater power than they think the House would give them.

I want to explain to the Minister why I think that the issue is very serious. It has always been true that in this country the rights and freedoms of the individual have been restricted for the very best of intentions. It has always been for the highest purposes, and it has always been argued that it has to be done because of the threat of this, that or the other. The hon. Member for Taunton (Mr. Browne) found that he had to say that he was not in favour of organised crime before he was allowed to go on to say why the issue he raised was so important. I hope that I do not have to say that, but we are almost put into that position, and we have been again and again. I hope that the Minister understands why it is necessary for him to be very precise. During the past 10 years, there has been a succession of Bills in which the freedom of the individual has come second by a long way in the Government's approach to such issues.

Again and again, whether about juries, the burden of proof and so on, the Government are on the side of authoritarianism. It is sad for me to find, once again, that I am arguing from a position that must be to the left of the Government's. It is increasingly confusing to people out there that the Government take views that do not start from the presumption that we have to defend people's rights. The right that we are considering is crucial.

Mr. Jeremy Browne: Does that not show that divisions in politics nowadays are often not between left and right but between libertarians such as the right hon. Gentleman and me, and authoritarians?

Mr. Gummer: I was trying to use good, old-fashioned language so as not to upset the Under-Secretary too much, but the hon. Gentleman may be right. The Government are the most authoritarian Administration that Britain has ever had. No historian would question that.

The hon. Member for Taunton hinted at the importance of the right that we are considering. If we and the Under-Secretary are confused, the innocent person who will inevitably be caught by the measure—I have some interest in that problem—will also be confused. At no point in the process will he or she know the protections that they have, the standard of proof that has to be produced and where the measure stands between the civil and criminal standards of proof. At different times, requirements have moved elegantly between the standards, from "virtually the same" to completely different. The required standard is likely to be informed by the decision in the McCann case.

8.30 pm

Having been a Minister for several years, I know some of the language that civil servants pass to Ministers. The phrase, "is likely to inform" is well known to mean, "I am saying nothing whatsoever, but I want you to take it from me." It does not mean anything. "Inform" merely means that somebody, in making a decision, either takes the information into account or knows about it in order not to take it into account. It has no genuine meaning.

My problem is that the freedom of the individual is too important to rely either on the direct and clear word of a Minister without being in the Bill or—even worse—on the unclear, indirect, confusing and contradictory words of a series of Ministers. I therefore hope that hon. Members, small though the attendance is for such an important subject—all parties should bear the blame for that—will not allow the Under-Secretary to get away with officialese to cover up the fundamental threat that the measure poses to the freedom of the individual.

The Under-Secretary will get away with it because the people whom we are considering are generally rather nasty. Some are very nasty. We therefore forget that soon, at some point, somebody who is not nasty will be caught up in the provisions. The vagueness means that great injustice can be done. The House is here above all to protect people from injustice. The phraseology that we are considering does not do it. I therefore commend to hon. Members the various amendments, which would at least tighten the measure sufficiently for us to believe that we have done our historic duty in defending individuals against an authoritarian Government, whose authoritarianism is unparalleled since the days of the absolute power of the Crown.

Mr. Coaker: In the time available, I will go through the various amendments. However, I do not propose to go through them in fine detail, not least because, as hon. Members who are present know, we have already debated them in great detail in Committee. They were also debated in equal detail in another place. However, I will first set out the Government's response to the amendments and, secondly, explain the need for the amendments that we tabled.

One of the key issues that we discussed in some detail during the Bill's passage is the appropriate standard of proof that should apply to the orders. Amendments Nos. 63, 64, 75 and 76 all touch on that. We debated those amendments at length in Committee, but I accept that hon. Members feel that the point is central to the debate. However, I hope that they will forgive me when I say that I have not changed my mind since then, and that the same arguments for not accepting the amendments continue to apply. I am afraid that I must resist them.

Clause 1 provides an effective and appropriate test to be met by the applicant authority before an order will be granted by the High Court. The test will not be easy to fulfil—and it should not be. It balances the need to protect the rights of the individual with that to protect the public from the harm that some individuals cause. That is the point to which the right hon. Member for Suffolk, Coastal (Mr. Gummer) alluded. There is always a debate about balance and where to draw the line. It is a perennial debate, which has gone on for centuries and will doubtless continue for centuries. They are not about punishing past actions, but preventing future engagement in activities that cause harm to society. For that reason, clause 1 sets out a two-part test that must be met before an order is made by the High Court. The first part of the test is a question of fact: has the proposed subject of the order been involved in serious crime in the past? The second part is a matter of judgment for the court: does it have reasonable grounds for believing that the order will prevent future harm caused by serious crime?

Amendments Nos. 63 and 64 would change the required standard of proof to be discharged in relation to the first limb of the test in clause 1 from the civil standard to the criminal standard of "beyond reasonable doubt". The appropriate standard of proof for the orders was debated at great length in Committee, as I have said, and in another place. As can be seen from the *Hansard* report, there was some initial confusion over what having the civil standard of proof would mean in practice. I tried to clarify that in Committee, but I will attempt to do so again.

The civil standard of proof is a flexible one—I shall come to the right hon. Gentleman's point in a moment. In the case of McCann, the House of Lords decided that for antisocial behaviour orders the standard of proof that the court should apply when deciding whether a person had acted in an antisocial manner should be the same as the criminal standard—that is, beyond reasonable doubt. To be clear, Lord Steyn said in that case:

> "Lord Bingham of Cornhill has observed that the heightened civil standard and the criminal standard are"—

I emphasise the next word—

> "virtually indistinguishable. I do not disagree with any of these views. But in my view pragmatism dictates that the task of the magistrates should be made more straightforward by ruling that they must in all cases under section 1 apply the criminal standard."

We expect similar principles to be applied in relation to orders. We expect the standard of proof in relation to whether a person has been involved in serious crime to be beyond reasonable doubt. The orders are civil orders, so it is right that the civil standard of proof should apply. As a result, I must resist the amendment.

James Brokenshire: The Minister has said that he expects that that standard will apply. Can he state categorically that it is the Government's intention that that standard should apply? That is an important but distinct point on which we would appreciate some certainty.

Mr. Coaker: To put beyond reasonable doubt what I am saying, the civil court, in making its judgment about such matters, should take into account the case of McCann in the House of Lords. I am not a lawyer, but every time I raise the issue everybody says to me, "Well you ought to read the House of Lords judgment on this." That is what I am told by barristers and lawyers everywhere—"Read the House of Lords judgment. The House of Lords is the highest court in the land. It will inform the decisions that courts make." That is exactly what I am doing. I am saying that the courts of the land—the civil courts in this case—should apply the case of McCann in determining what standard of proof they should apply when considering serious crime prevention orders.

No doubt much more eminent lawyers than me—since I am not one anyway—use the words "virtually indistinguishable". If those words can be used by the House of Lords, which is the highest court of the land, it seems appropriate that I, too, should use the word "virtually", which is what I have done. If it is the intention of the hon. Member for Taunton to make the applicable standard "beyond reasonable doubt", the House of Lords has already done that, so the amendment is unnecessary and I hope that he will feel able to withdraw it. Amendments Nos. 75 and 76 appear to go to the same end, so I hope that the hon. Member for Hornchurch (James Brokenshire) will not feel the need to press them.

On amendments Nos. 65 and 66, let me make clear one important point. The Government are dedicated to ensuring that those who commit serious crimes are quickly detected, effectively brought to trial and punished appropriately. However, amendments Nos. 65 and 66 misunderstand the role that the orders can play. There will not be a direct choice for the Director of Public Prosecutions—or any of the other applicant authorities, for that matter—between pursuing a prosecution, which is punitive, and seeking an order, which is preventive. Orders can be sought independently of, before, alongside or after a prosecution. They will be sought at whatever point in time there is a harm that can be best and most effectively prevented by the imposition of reasonable and proportionate conditions. That does not affect the primacy of prosecution for those who have committed serious crimes. Indeed, one of the reasons we have chosen the applicant authorities that we have, in this part of the Bill, is precisely that they are the best placed to make an assessment of the most appropriate course of action in any particular set of circumstances. For those reasons, I must resist the amendments.

Amendments Nos. 77 and 78 seek to amend clause 1(3), and the similar provision for orders in the Crown court in clause 19, in order to change the word "appropriate" to the term "necessary and proportionate". The provisions set out the test that the court must apply when deciding on the terms to include in an order. Placing a requirement on the court to act proportionately is unnecessary because it simply reflects a principle by which the court will already abide in making the orders. There is no need to tell the High Court in legislation to be proportionate. As for a requirement for the terms of an order to be necessary, we believe that we have set the standard in clause 1(3), and later in clause 19(5), at the right level. That is because we have struck the right balance in requiring the test to be sufficiently tough to ensure that an order will be proportionate but not so tough that it can never be met. For those reasons, I am afraid that I must resist the amendments.

The hon. Member for Taunton (Mr. Browne) has tabled amendments Nos. 67 and 72. They cover subjects that we debated at some length in Committee, and I have not changed my mind since that debate. We have provided a schedule to show the large majority of the offences in relation to which the use of these orders would be appropriate. Also, within the framework of the schedule, we have provided a discretion for the High Court—or, as the case may be, the Crown court—to treat an offence as serious if, in the circumstances of the case before it, which we cannot know or foresee, it considers the offence to be serious enough to be treated as if it were specified in the schedule.

It is important that we do not fetter the discretion of the courts to adapt to the constant changes around them by looking at the context of an offence and making a fully informed and reasoned decision whether it would be appropriate for that offence to attract an order. Let me give the House an example of why this discretion is necessary. We do not consider it appropriate to include in the schedule offences against the person, such as assault or murder, because they are not suitable for attracting an order in all circumstances. So, I am sure that we can all agree that, when a person assaults another in a simple fight in a pub, these orders would be completely inappropriate. However, when someone has routinely used violence to intimidate and maintain a reign of terror in an area, he might be an appropriate candidate for an order, after serving his sentence, if there is evidence that an order would prevent such crimes from being committed again. It is the circumstances in which these types of offence are committed that determine whether or not an order is appropriate. The person best placed to make that decision will be the judge sitting in the High Court.

On amendments Nos. 73 and 74, I would like to point out that, in drafting the Bill, we wanted to ensure that any actions of the proposed subject which were reasonable in the circumstances could not be used as the basis for an SCPO. So, for example, there is no doubt that an employee of PC World facilitates serious crime when he sells Mr. X a computer that Mr. X later uses to commit a massive fraud. Mr. X could not commit the crime without that computer. However, to say that the employee should be the subject of an SCPO for those actions would be ludicrous. As a result, we have clause 4(2)(a) and 4(3)(a), which mean that any action that the proposed subject can show is reasonable cannot form the basis for an SCPO. The intent behind the amendments seems to be to force the applicant authority instead to have to show that the actions were unreasonable.

James Brokenshire: In that example of an employee, the Minister has said that it would be up to the employee to show that his actions were reasonable. Does he accept that that would be a somewhat perverse burden in those circumstances, should an SCPO be sought against such an individual?

Mr. Coaker: I do not accept that, for the reasons that the hon. Gentleman knows. We have already debated that matter long and hard.

As I have said, the intent behind the amendments seems to be to force the applicant authority to show that the actions were unreasonable. Whether that is correct depends on one question: who is best placed to know the circumstances surrounding those actions and whether they are reasonable? The answer must surely be the subject. It is important to remember, though, that for this even to be an issue, the applicant authority will already have had to adduce evidence to show that the actions of the proposed subject facilitated, or were likely to facilitate, serious crime. Without having proved the existence of the element of facilitation, the question of whether the actions were reasonable would not arise. So, the proposed subject will not be asked to prove reasonableness in a vacuum; rather, they will need to show that the actions that facilitated the serious crime were reasonable. If I asked my constituents whether it was acceptable to ask someone who has been proven to have facilitated crimes such as drug trafficking or people smuggling to show that their actions were reasonable, I am confident that their answer would be the same as mine. I continue to resist the amendments for those reasons and hope that they will be not be pressed. We have already discussed at some length the civil nature of the orders and I do not propose to go into any further detail now.

8.45 pm

Finally, on the amendments not tabled by the Government, I would like to mention amendments Nos. 81 and 82. They would add the offences contained in sections 1 to 3 of the Computer Misuse Act 1990 to the list of offences contained in schedule 1. I would like to thank hon. Gentlemen for tabling those amendments, but in consultation with law enforcement agencies and others throughout the development and passage of the Bill, no one has suggested that those offences should be included. However, the Government are firmly committed to tackling computer crime and I can see that there may be merit in including those types of offence in the schedule. I cannot accept the amendments at this time, because I would not wish to do so without consulting the computer industry and other stakeholders. However, that was precisely why we included the order-making power to add to the schedule at a later date. That aspect has been opposed, but it might be helpful in those circumstances. If I make a commitment now to consult fully on the amendments and, subject to the results of that consultation, to seek to amend the schedule by order if it proves to be appropriate, I hope that the amendments will not be pressed.

There are a number of other Government amendments, which are relatively minor and technical, and I intend to move them formally later. I invite the House to resist amendment No. 63.

Mr. Jeremy Browne: I am grateful to the Minister for his customary courtesy in dealing with all aspects of the Bill. However, I wish to press the amendment to a Division.

Question put, That the amendment be made:—

The House divided: Ayes 201, Noes 274.

Division No. 215] [8.46 pm

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robertson, Hugh
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Dan Rogerson and
Mr. Roger Williams

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kemp, Mr. Fraser
Kennedy, rh Jane
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Bob Blizzard and
Mr. Sadiq Khan

Question accordingly negatived.

It being after Nine o'clock, MR. DEPUTY SPEAKER *proceeded to put forthwith the Questions necessary for the disposal of business to be concluded at that hour, pursuant to Order [12 June].*

Clause 23

ADDITIONAL RIGHT OF APPEAL FROM HIGH COURT

Amendment made: No. 1, in page 14, line 41, before 'not', insert 'to discharge or'.—*[Mr. Coaker.]*

Clause 24

APPEALS FROM CROWN COURT TO COURT OF APPEAL

Amendments made: No. 2, in page 15, line 18, leave out from beginning to 'lies' and insert

'Subject to subsection (4), an appeal under subsection (1) or (2)'.

No. 3, in line 18, at end add—

'(4) An appeal under subsection (1) or (2) lies without the leave of the Court of Appeal if the judge who made the decision grants a certificate that the decision is fit for appeal under this section.

(5) Subject to any rules of court made under section 53(1) of the Senior Courts Act 1981 (c. 54) (distribution of business between civil and criminal divisions), the criminal division of the Court of Appeal is the division which is to exercise jurisdiction in relation to an appeal under subsection (1) or (2) from a decision of the Crown Court in the exercise of its jurisdiction in England and Wales under this Part.

(6) An appeal against a decision of the Court of Appeal on an appeal to that court under subsection (1) or (2) may be made to the Supreme Court by any person who was a party to the proceedings before the Court of Appeal.

(7) An appeal under subsection (6) lies only with the leave of the Court of Appeal or the Supreme Court.

(8) Such leave must not be granted unless—

- (a) it is certified by the Court of Appeal that a point of law of general public importance is involved in the decision; and
- (b) it appears to the Court of Appeal or (as the case may be) the Supreme Court that the point is one which ought to be considered by the Supreme Court.

(9) The Secretary of State may for the purposes of this section by order make provision corresponding (subject to any specified modifications) to that made by or under an enactment and relating to—

- (a) appeals to the Court of Appeal under Part 1 of—
  - (i) the Criminal Appeal Act 1968 (c. 19); or
  - (ii) the Criminal Appeal (Northern Ireland) Act 1980 (c. 47);
- (b) appeals from any decision of the Court of Appeal on appeals falling within paragraph (a); or
- (c) any matter connected with or arising out of appeals falling within paragraph (a) or (b).

(10) An order under subsection (9) may, in particular, make provision about the payment of costs.

(11) The power to make an appeal to the Court of Appeal under subsection (1)(a) operates instead of any power for the person who is the subject of the order to make an appeal against a decision of the Crown Court in relation to a serious crime prevention order by virtue of—

- (a) section 9 or 10 of the Criminal Appeal Act 1968 (c. 19); or
- (b) section 8 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47).

(12) Section 33(3) of the Criminal Appeal Act 1968 (c. 19) (limitation on appeal from criminal division of the Court of Appeal: England and Wales) does not prevent an appeal to the Supreme Court under subsection (6) above.'.—*[Mr. Coaker.]*

Clause 27

POWERS TO WIND UP COMPANIES ETC: ENGLAND AND WALES AND SCOTLAND

Amendments made: No. 4, in page 16, line 43, leave out 'Secretary of State' and insert 'appropriate Minister'.

No. 5, in line 44, leave out 'he' and insert 'that person'.

No. 6, in page 17, line 23, at beginning insert—

'"appropriate Minister" means—

- (a) in relation to a relevant body falling within paragraphs (a) to (c) of the definition of "relevant body" below, the Treasury; and
- (b) in relation to any other relevant body, the Secretary of State;'.

No. 7, in line 32, after 'registered;', insert—

'"partnership" does not include a relevant body;'.

No. 8, in line 38, after 'society;', insert—

'(ca) a limited liability partnership;'.—*[Mr. Coaker.]*

Clause 28

POWERS TO WIND UP COMPANIES ETC: NORTHERN IRELAND

Amendments made: No. 9, in page 18, line 28, leave out 'Secretary of State' and insert 'appropriate Minister'.

No. 10, in line 29, leave out 'he' and insert 'that person'.

No. 84, in page 19, line 5, at beginning insert—

'"appropriate Minister" means—

- (a) in relation to a relevant body falling within paragraph (a) or (b) of the definition of "relevant body" below, the Treasury; and
- (b) in relation to any other relevant body, the Secretary of State;'.

No. 12, in line 16, after 'registered;', insert—

'"partnership" does not include a relevant body;'.

No. 13, line 22, after 'society;', insert—

'(ca) a limited liability partnership;'.—*[Mr. Coaker.]*

Clause 50

JURISDICTION

Amendment made: No. 54, in page 32, line 5, at end insert—

'( ) Nothing in this section or Schedule 4 restricts the operation of any enactment by virtue of which an act constituting an offence under this Part is triable under the law of England and Wales or Northern Ireland.'.—*[Mr. Coaker.]*

Clause 52

INSTITUTION OF PROCEEDINGS ETC. FOR AN OFFENCE UNDER THIS PART

Amendment made: No. 55, in page 32, line 31, at end insert—

'( ) No proceedings for an offence under this Part are to be instituted against a person providing information society services who is established in an EEA State other than the United Kingdom unless the derogation condition is satisfied.

( ) The derogation condition is satisfied where the institution of proceedings—

(a) is necessary to pursue the public interest objective;

(b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to it; and

(c) is proportionate to that objective.

( ) The public interest objective is public policy.

( ) In this section "information society services" has the same meaning as in section 34, and subsection (7) of that section applies for the purposes of this section as it applies for the purposes of that section.'.—*[Mr. Coaker.]*

Clause 81

Powers for prosecutors to appear in cash recovery proceedings

Amendment made: No. 14, in page 47, line 29, leave out

'the Director of Public Prosecutions,'.—*[Mr. Coaker.]*

Clause 85

Orders

Amendments made: No. 15, in page 50, line 23, after '33,', insert

'(Costs in relation to authorised monitors),'.

No. 16, in line 23, after '7,', insert '24(9),'.—*[Mr. Coaker.]*

Clause 89

Extent

Amendments made: No. 85, in page 51, line 12, after '(2);', insert—

'(ba) section (Incidents involving serious violence: powers to stop and search);'.

No. 17, in line 18, after 'sections)', insert

'and paragraphs 10, 11 and 18A of Schedule 2'.

No. 18, in line 23, leave out 'and'.

No. 19, in line 24, at end insert 'and

(g) section (Civil recovery management receivers)(1) and (2)'.

No. 20, in line 27, at end insert—

'(ba) section 69(4);'.—*[Mr. Coaker.]*

Clause 90

Commencement

Amendment made: No. 21, in page 52, line 5, after '(4)', insert

'but, subject to this, including the Schedules'.—*[Mr. Coaker.]*

Schedule 2

Functions of applicant authorities under Part 1

Amendment made: No. 22, in page 64, line 21, at end insert—

'18A Sections 75(1) and (2) and 76(1) of, and Schedule 9 to, the Northern Ireland Act 1998 (c. 47) (duties of public authorities) do not apply to the functions of the Director of Public Prosecutions for Northern Ireland under this Part.'.—*[Mr. Coaker.]*

Schedule 6

Minor and consequential amendments: Part 2

Amendments made: No. 56, in page 74, line 25, at end insert—

'20A In the Criminal Justice Act 1993 (c. 36)—

(a) section 1(3)(d) (Group B offences);

(b) section 5(4) (incitement to commit Group A offence).'.

No. 57, in line 27, at end insert—

'21A Section 27 of the Antarctic Act 1994 (c. 15) (references to offences under the Act).'.

No. 58, in line 44, at end insert—

'27A In the Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)—

(a) section 2(1) and (2) (incitement to commit certain sexual acts outside the United Kingdom);

(b) section 3(8) (extended meaning of offence of incitement to commit a listed sexual offence).'.

No. 59, in page 75, line 11, at end insert—

'29A In the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I.24))—

(a) Article 38(3)(d) (Group B offences);

(b) Article 42(2) (incitement to commit Group A offence).'.

No. 60, in page 76, line 5, leave out '153(3)' and insert '153(a)'.

No. 61, in line 16, leave out paragraph 48 and insert—

'48 In the Terrorism Act 2006 (c. 11)—

(a) section 17(2)(f) (commission of offences abroad);

(b) paragraph 12(b) of Schedule 1 (Convention offences).'.

No. 62, in page 77, line 20, at end insert—

'*Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)*

55A In section 2(3) of the Sexual Offences (Conspiracy and Incitement) Act 1996 for "of incitement" substitute "done".'.—*[Mr. Coaker.]*

Schedule 8

Abolition of Assets Recovery Agency and its Director

Amendments made: No. 23, in page 110, line 2, after 'Part', insert '5 or'.

No. 24, in line 42, after 'Agency"', insert

'and for "establish" substitute "provide"'.

No. 25, in page 112, line 9, leave out from beginning to end of line 16 and insert—

'(1) Anything which the Director of Public Prosecutions is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director (generally or specifically) for that purpose.

(2) Anything which the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director concerned (generally or specifically) for that purpose.'.

No. 26, in line 17, after 'Director", insert

'or a member of his staff'.

No. 27, in line 39, leave out from beginning to end of line 40 and insert—

'For section 435 (use of information by Director) substitute—

"435 Use of information by certain Directors

(1) Information obtained by or on behalf of the Director in connection with the exercise of any of his functions under, or in relation to, Part 5 or 8 may be used by him in connection with his exercise of any of his other functions (whether under, or in relation to, either Part, another Part of this Act or otherwise).

(2) Information obtained by or on behalf of the Director in connection with the exercise of any of his functions (whether under, or in relation to, this Act or otherwise) which are not functions under, or in relation to, Part 5 or 8 may be used by him in connection with his exercise of any of his functions under, or in relation to, Part 5 or 8.

(3) This section applies to information obtained before the coming into force of the section as well as to information obtained after the coming into force of the section.

(4) In this section "the Director" means—

(a) the Director of Public Prosecutions;

(b) the Director of the Serious Fraud Office; or

(c) the Director of Public Prosecutions for Northern Ireland."

131A (1) Section 436 (disclosure of information to Director) is amended as follows.

(2) In the heading for "Director" substitute "certain Directors".

(3) In subsection (1)—

(a) for "this section" substitute "subsection (10)"; and

(b) after "functions" insert "under, or in relation to, Part 5 or 8".

(4) In subsection (5), omit paragraph (b) and (ga).

(5) After subsection (9) insert—

"(10) In this section "the Director" has the same meaning as in section 435."

131B (1) Section 437 (further disclosure) is amended as follows.

(2) In subsection (2)(a) after "functions" insert "under, or in relation to, Part 5 or 8".

(3) After subsection (6) insert—

"(7) In this section "the Director" has the same meaning as in section 435."

131C (1) Section 438 (disclosure of information by Director) is amended as follows.

(2) In the heading for "Director" substitute "certain Directors".

(3) In subsection (1)—

(a) after "functions", where it first appears, insert "under, or in relation to, Part 5 or 8";

(b) in paragraph (c) after "functions" insert "under, or in relation to, Part 5 or 8"; and

(c) after paragraph (f) insert—

"(fa) the exercise of any functions of SOCA, another Director or the Director of Revenue and Customs Prosecutions under, or in relation to, Part 5 or 8;".

(4) Omit subsections (2) to (4).

(5) After subsection (8) insert—

"(8A) This section does not affect a power to disclose which exists apart from this section.

(8B) This section applies to information obtained before the coming into force of subsection (10) as well as to information obtained after the coming into force of that subsection."

(6) After subsection (9) insert—

"(10) In this section "the Director" has the same meaning as in section 435."'.

No. 28, in page 112, line 44, after 'SOCA', insert

'but only so far as the information is held by it or on its behalf otherwise than in connection with its functions under this Act'.

No. 29, in page 113, line 5, leave out from '(f)' to 'the exercise' in line 6.

No. 30, in line 10, after '5', insert 'or 8'.

No. 31, in line 11, leave out paragraph 134.

No. 32, in page 114, line 4, leave out paragraph 139.

No. 33, in line 26, leave out 'Defence' and insert 'Justice'.

No. 34, in page 116, line 34, leave out '(8)(a)' and insert '(8)'.

No. 35, in page 118, line 25, leave out from beginning to end of line and insert—

'163 In section 21(1)(b) of the Commissioners for Revenue and Customs Act 2005 (disclosure to prosecuting authority)—

(a) omit "or" at the end of sub-paragraph (i); and

(b) after sub-paragraph (ii) insert ", or

"(iii) in the case of the Director of Revenue and Customs Prosecutions, to exercise his functions under, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29)."

163A After section 35(4) of that Act'.

No. 36, in page 118, line 31, leave out 'including' and insert 'excluding'.

No. 37, in page 119, line 2, after '5', insert 'or 8'.

No. 38, in page 120, line 7, after '5', insert 'or 8'.

No. 39, in line 25, after 'conduct).', insert—

'(2D) Subsections (1) and (2), so far as relating to disclosure for the purposes of the exercise of any functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (c. 29) or of the Scottish Ministers under, or in relation to, Part 5 of that Act, do not apply to information obtained by SOCA in connection with the exercise of any of its functions other than its functions under that Act.'.

No. 40, in line 25, at end insert—

'170A After section 35(1) of that Act (restrictions on further disclosure) insert—

"(1A) Subsection (1) does not apply to—

(a) information disclosed by SOCA under section 33 to the Lord Advocate for the purpose of the exercise of any of his functions under Part 3 of the Proceeds of Crime Act 2002 (c. 29); or

(b) information disclosed by SOCA under section 33 to the Scottish Ministers for the purposes of the exercise of any of their functions under, or in relation to, Part 5 of that Act;

but see instead section 441 of the Proceeds of Crime Act 2002 (c. 29)."'.

No. 41, in page 121, line 21, at end insert—

'*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007 (list of government departments etc.) omit "Assets Recovery Agency".'.—*[Mr. Coaker.]*

Schedule 12

REVENUE AND CUSTOMS: REGULATION OF INVESTIGATORY POWERS

Amendments made: No. 42, in page 130, line 14, after 'Customs', insert

'who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is'.

No. 43, in line 19, after 'Customs', insert

'who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is'.

No. 44, in page 131, line 2, after 'Customs', insert

'who is a senior official and who is'.

No. 45, in line 29, after '(4)(l),', insert '—

(i) ':

No. 46, in line 31, at end insert ', and

(ii) after "if he is" insert "a senior official".'.—*[Mr. Coaker.]*

Schedule 13

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Amendment made: No. 47, in page 133, line 34, after '23(2)', insert 'or 24(5)'.—*[Mr. Coaker.]*

Schedule 14

REPEALS AND REVOCATIONS

Amendments made: No. 48, in page 136, line 22, leave out '(8)(a)' and insert '(8)'.

No. 49, in page 141, line 13, column 2, leave out from beginning to end of line 15 and insert—

'Section 436(5)(b) and (ga).
Section 438(2) to (4).'.

No. 50, in page 141, leave out line 17.

No. 51, in line 23, at end insert—

'Crime (International Co-operation) Act 2003 (c. 32)	In Schedule 5, paragraphs 82 and 83.'.

No. 52, in line 27, column 2, at beginning insert—

	'In section 21(1)(b), the word "or" at the end of sub-paragraph (i).'.

No. 53, in line 51, at end insert—

'Tribunals, Courts and Enforcement Act 2007 (c. 15)	In Schedule 13, paragraph 145.
Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)	In Schedule 1, the words "Assets Recovery Agency".'.

Title

Amendment made: No. 86, in title, line 11, after 'warrants;', insert

'to extend stop and search powers in connection with incidents involving serious violence;'.—*[Mr. Coaker.]*

Order for Third Reading read.

9.2 pm

Mr. McNulty: I beg to move, That the Bill be now read the Third time.

This Bill has been debated at some length, both in this House and the other place, which has culminated in us debating on Report a measure that will provide important tools in the fight against serious crime. I now commend the Bill to the House for its Third Reading.

First and foremost, I wish to thank the Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker), for doing all the work on the Bill. I am grateful for that. I also wish to thank Members on both sides of the House for the constructive way in which they have approached the vast majority of the Bill, as we have seen in our deliberations today. I also wish to thank the civil service team that worked diligently and professionally on the Bill, with great spirit and sharp focus.

Serious crime represents one of the greatest threats to the security of this country and we all know we must work together to combat those who are determined to make their fortune from crimes such as trafficking in drugs, smuggling people or laundering money. We agree on all those issues, but we may disagree on the best way to achieve our ends. That is only right and proper, and the process of detailed scrutiny has given us a Bill that not only will achieve a great deal, but is in far better shape at the end of the parliamentary process than it was at the beginning.

Among other things the Bill provides law enforcement with an effective new tool to prevent the harm caused by serious crime before it happens: the serious crime prevention order, which is carefully targeted at inhibiting criminal activity, but which is put in place by the courts only where it is reasonable and proportionate to do so. The measure delivers a strengthening of the provisions that allow us to seize the assets of serious criminals, which will help us to deliver the target of doubling confiscation of criminal assets to £250 million per year by 2010, including merging the Assets Recovery Agency into the Serious Organised Crime Agency to give further improvements in efficiency.

The Bill improves the way in which we are able to use data, across the public and private sectors, to prevent and detect fraud. It addresses the gap in the criminal law identified by the Law Commission concerning incitement. It makes the surveillance powers on which we have just deliberated available to Her Majesty's Revenue and Customs, and enables them to be used for investigations into serious crime in relation to ex-Customs and Excise matters; they will also be available in relation to investigations into serious crime concerning ex-Inland Revenue matters.

Mr. Philip Hollobone (Kettering) (Con): The Minister mentioned incitement. The Bill gets rid of the common law offence of incitement and replaces it with new provisions. There is growing concern across the country, and on both sides of the House, about incitement in lyrics, especially of rap songs, which are particularly offensive to minority groups. Is the Minister's intention, through the Bill, that there should be prosecutions to bring the offensive nature of many rap lyrics under control?

Mr. McNulty: The hon. Gentleman raises a fair point. If the activities to which he referred were undertaken in pursuit of serious crime, the answer is yes. I do not demur from the notion that we need to look at other aspects of the broader issue of incitement. The incitement aspects of the Bill merely reflect the Law Commission's findings. The hon. Gentleman makes an entirely fair point and it is worthy of debate and discussion—but not now.

On Report, we dwelt on the HMRC aspects of surveillance powers, especially intrusive surveillance powers—not least at the behest of the hon. Member for Hornchurch (James Brokenshire). However, his Front-Bench colleague, the hon. Member for Beaconsfield (Mr. Grieve) raised broader issues relating to surveillance powers under the Regulation of Investigatory Powers Act 2000 and to communications data. I have no doubt we shall return to those issues; that debate is still to be had. The hon. Gentleman was entirely wrong in his characterisation of the debate, but no doubt we shall hold it at some point.

As the Under-Secretary promised, there was a useful discussion on Report on the stop-and-search proposals that originated in the Lords. The Government's proposals put us in a far more reasonable place. The new clause proposed by the hon. Member for Hornchurch was flawed in some ways, but the House has done the country a service in supporting the Government's proposals, while the Government have done the House a service by listening to voices from the Opposition and others. The stop-and-search provisions now offer a position of greater clarity and are better than they were before. I thank the House for that, especially for not dividing on an issue that, as my hon. Friend the Under-Secretary said, could be one on which colleagues were tempted to showboat and to play to the gallery for tabloid headlines. I am grateful that did not happen, and the stop-and-search powers are in a better place than before the Bill began its progress.

In that spirit, I welcome the scrutiny given to the Bill. As a result, and through continued consultation with stakeholders, we have tabled amendments that meet some of the concerns expressed in the House and in another place—not all of them, I freely concede; otherwise, why would we need an Opposition? The amendments improve the way in which the Bill will deliver its objective of tackling serious crime in an effective but balanced way—an endeavour where we are all united against those who commit serious crime, which we all want to drive down.

This serious matter has been dealt with in Committee and in our debates today in a way that is to the credit of the House, and I commend the Bill to the House.

9.9 pm

James Brokenshire: I thank my hon. Friends who served on the Committee and applied the scrutiny and the approach to which the Minister has alluded in seeking to highlight points in the Bill and to raise the concerns that rightly exist in relation to the operation of its provisions. I want to put on record my thanks to the Home Office officials for providing assistance, guidance and information and for responding to the questions that I asked them. I also want to put on record my thanks to the Under-Secretary for his courtesy in dealing with the points raised with him, even though we were unable to reach an agreement or find a resolution in relation to the points that have been highlighted.

The essence of the debates on the Bill has been whether it will prevent serious crime from occurring. The key part has been the introduction of the serious crime prevention order—in essence, a new hybrid of an ASBO and a control order. However, as I have said today, given the experience of the way in which the Government have used civil remedies, we still have considerable questions about what difference the new order will make in practice. As we know, control orders have not been a full success, with a third of those subject to the apparently stringent conditions of the orders having absconded. ASBOs have been breached in record numbers, with the National Audit Office reporting that 55 per cent. are breached and some areas reporting breach rates as high as 70 per cent.

Although the public may welcome measures, such as ASBOs, as an indication that something is being done, when examined more closely, that perception turns negative in respect of whether they stop antisocial behaviour, as they were supposed to do. The same questions apply to the serious crime prevention order.

As Chief Superintendent Neil Wain, a borough commander on the Greater Manchester police force, notes in his recent book, "The ASBO: Wrong Turning, Dead End", not only are ASBOs regularly breached, but they do not appear to control the behaviour of those subject to them. In addition, many of those on ASBOs were persistent criminals, and rather than controlling behaviour, the orders appeared to be more like post-conviction bail conditions, where the objective was breach and imprisonment. Again, that underlines some of the points that have been made this evening and the question whether serious crime prevention orders will be applied in such a way that amounts to a punishment, whatever assurances the Minister may have given most genuinely to the House this evening. That is why we believe strongly that there should be close scrutiny and examination of the practical use to which such orders may be put. But even if that were taken on board and we accept all the provisions on the wording of serious crime prevention orders, there is always the question of how they will be monitored. They will be only as good as the monitoring and enforcement that lies behind them.

The appalling case of Garry Chester-Nash clearly highlights the possible weaknesses of the Government's arguments if they are not prepared to follow through rigorously any order that is granted under part 1. Chester-Nash had a string of 30 convictions, including for several offences involving knives. He was identified as such a significant risk to the public that he was made subject to one of the most stringent ASBOs imposed, which banned him from all licensed premises in England, from carrying any weapon and from seeking employment that would bring him into contact with women. He was also subject to one of the highest levels of supervision by a multi-agency public protection arrangement. Yet, on his release from prison, when he failed to return to the bail hostel in east London, as he should have done, he travelled to Cornwall instead and stabbed to death 59-year-old Jean Bowditch in a bungled burglary on the bungalow that she was supposed to be cleaning. At his trial last year, he was sentenced to life imprisonment, with a recommended minimum sentence of 30 years.

Such appalling cases continue to make me sceptical of the impact of serious crime prevention orders. Whatever may be written into the Bill, whatever the stated intentions and whatever the terms of the orders that may be granted, serious crime will not be prevented without rigorous supervision, monitoring and enforcement. If offenders are that much of a risk, the Government should not contemplate the use of such orders but use the full force of the criminal law and ensure that dangerous prisoners serve the full term of their sentence, rather than being let out early, subject to a serious crime prevention order or other order, however stringent its terms are supposed to be.

In combating and preventing acts of serious violence and terrorism, we remain committed to the introduction of intercept evidence—a measure that is used successfully in other countries, and we believe that it should be applied here. In the Lords, the noble Lord Lloyd introduced an amendment that would have put such a measure into law, but the provision was removed by the Government, without them giving any assurance on that important subject at the Privy Council review.

In Committee, the Under-Secretary said:

> "The Government are absolutely committed to a review of the use of intercept. We are also committed to using intercept as evidence if we can find a workable model and the necessary safeguards can be put in place. That is the Government's position. It is clear, and there is no rowing back from it."—*[Official Report, Serious Crime Public Bill Committee,* 26 June 2007; c.82.]

There has been no rowing forward either, as far as we can see, and the Government made no reference to the issue tonight. No indication has been given of the likely timing of the outcome on the review's findings, which we will obviously note with interest. That is an area in which we believe we could make a real difference in preventing crime and terrorism.

We have made some progress in other areas. We welcome the Government's concessions on a number of points raised by Opposition Members—the addition of firearms offences as serious crimes under the terms of the Bill; confirmation of the seniority of officials in Her Majesty's Revenue and Customs who are able to use specific surveillance powers under the Bill; and the introduction of a code of practice to govern the data-sharing provisions for public authorities in part 3 of the Bill, together with the clarification that powers are to be used only for fraud prevention.

On that last point, I remain of the view that it would have been more appropriate to give the Information Commissioner a specific right of audit and inspection in the Bill, but I acknowledge that a workable arrangement has been achieved through the code, and I am prepared to accept that. However, there is a bigger debate to be had about the function, powers and authority of the Information Commissioner in the context of his increasingly important role of making sure that data are supplied correctly, and that the interests of the private individual are protected. The House will need to return to that subject in the near future. We also welcome the reform of the law relating to inchoate offences in part 2 of the Bill. The reforms implement the recommendations of the Law Commission in a sensible, appropriate way.

The Bill finally puts to rest the ill-fated Assets Recovery Agency, which was tasked with recovering assets from criminals using new powers of civil recovery, as well as powers of criminal confiscation and taxation. However, as the Public Accounts Committee recently reported, by December 2006 the agency had recovered assets of only £23 million; that is against an expenditure of £65 million. The Committee noted that

> "The Agency was set up, however, with insufficient preparatory work. There was no business case setting out the expectations for the Agency, resulting in unachievable delivery aims."

Both the National Audit Office and the Public Accounts Committee made recommendations, arising from the structural and operational failures of the Assets Recovery Agency, which led to the proposed transfer of its operations to the Serious Organised Crime Agency and the National Policing Improvement Agency under the Bill. It is essential that the recommendations be implemented by the successor organisations, and that the weaknesses are not merely transferred to the new bodies. It is important that assurances on the disclosure of information and on the performance of the assets recovery functions continue to be published in a format that allows comparison with the previous activities of the Assets Recovery Agency. We will be monitoring closely to ensure that a change in the structure leads to a step-change in performance.

The Bill was a lost opportunity to ensure that stop and search powers were granted to police sergeants, as we today argued that they should be. That would offer the public greater protection from violent crime, and underline the importance of decisions made within communities affected by gun and knife crime. However, we accept that the amendments proposed by the Government on stop and search have some merit, although we question the extent of their impact. We will watch with interest to see whether stop and search turns out to be another area in which the Government subsequently decide to adopt Conservative thinking and make an important change to prevent crimes of serious violence.

Despite our reservations about the serious crime prevention order, and the reservations of the Law Society, Liberty and others about whether the measure will be an effective, or indeed appropriate, remedy for reducing the harm caused by serious crime, we share the Government's desire to bear down on serious organised crime, and we will not oppose the Bill's Third Reading tonight. However, we will monitor closely whether the powers are applied in a way that is not intended by the House, to discover whether the Bill will simply join the long list of previous pieces of Home Office legislation introduced by the Government, promising much but delivering virtually nothing.

9.20 pm

Mr. Jeremy Browne: I am grateful for a final opportunity to speak on the Bill. As is customary, I shall begin by thanking the many people involved in its inception. In the other place, where the Bill kicked off, my noble Friends Lords Dholakia, Goodhart, Burnett and Livsey all made substantial contributions to its progress. There were many Committee sittings, and the Conservatives even changed their spokesman. I pay tribute to the hon. Member for Arundel and South Downs (Nick Herbert), who got the ball rolling, and to the hon. Member for Hornchurch (James Brokenshire) who spoke wisely and at length this evening. I thank the Under-Secretary not only for the way in which he has approached the substance of the Bill but for his general courtesy and willingness to engage with Opposition Members, as well as his readiness to make officials available to add clarity to our conversations. He has made a genuine effort, and other Ministers could learn from his etiquette and decency.

The Bill has some merits. Like many Bills emanating from the Department, it is not an unequivocally good or bad Bill. There are things on which we agreed in Committee, and things on which we agreed this evening—most importantly, on stop-and-search powers. They are not the whole solution, as the Minister rightly said, but they are an important weapon against violent crime, as long as they are used with intelligence and discretion by the police. We regret that Lord Lloyd's amendment on intercept evidence was struck out by the Government without any willingness on their part to replace it with an amendment more to their liking. The crux of the Bill, on which we voted half an hour ago—regrettably, we lost that vote—is part 1, and I shall briefly detain the House by summing up its seven inherent flaws.

First, the sanctions in the Bill are unrestricted in their scope. There are some restrictions, but they are not exhaustive. We must remember that we are talking about serious sanctions—virtually everything short of imprisoning the individual concerned—such as restrictions on internal travel in the United Kingdom, on the buildings they can visit, and on the places where they can work, so their day-to-day business may be severely curtailed. Those sanctions can last up to five years—we tried to reduce that period in Committee, but we failed—but that period is not a maximum. It can be extended indefinitely, so it is within the scope of the Bill for extremely draconian restrictions to be placed on someone's liberties, and for those restrictions to last their lifetime, without their having an opportunity to escape them, even if they are not convicted of a criminal offence. If they breach those restrictions, they could go to prison, despite their not having been convicted of a criminal offence.

Secondly, serious crime prevention orders are too easy an alternative to prosecution. The underlying assumption in the mind of Ministers is that the enforcement agencies know who the perpetrators of many crimes are, but cannot find enough evidence to prosecute them. They have therefore decided to find a different way of penalising them, and we fear that it will be regarded as alternative to prosecution, although it is often in the public interest to pursue a prosecution. Thirdly, there is no definition in the Bill of what constitutes a serious offence. There is a list of serious offences, some of which were subject to ridicule throughout our debates. I have yet to find an official who can defend the serious offences relating to salmon fishing. I still have not heard a satisfactory explanation from the Minister about why he regards salmon fishing as such an appalling offence. I do not wish to diminish the significance of the offence for any salmon fishermen who may be following our deliberations, but most of my constituents would not put that in the same category as the other items on the list. Moreover, further items can be added, so it is not a definitive list.

Fourthly, a person need never have committed a crime in order to be subject to the punishments outlined in the Bill. Restrictions could legitimately be placed on a person who had been convicted of an offence, gone to prison, left prison and re-entered a criminal world—perhaps the same one that got them into prison in the first place—but there is a distinction between such a person and someone who is restricted but has not committed a criminal offence.

Fifthly, there is no requirement for a person even to be aware that their actions could have facilitated a crime. In this respect, there is a lack of clarity in the Bill. The Minister constantly refers to the Mr. Bigs of the criminal underworld, whose efforts will be severely restricted by the Bill, but every time we ask for individual examples, they seem to come down to taxi companies run by inoffensive, or potentially offensive, small-time middle men and women in the criminal world, who certainly are not in the category of the 30 most prominent Mr. Bigs in Britain's underworld. A Bill that will almost certainly soon become an Act is not clear on that point.

Sixthly, restrictions can be placed on a person who is not the subject of an order. Finally, a person is guilty until they prove themselves innocent. That will offend many in the House who are concerned that the burden of proof will be on the recipient of the serious crime prevention order, rather than on those who wish to penalise that person.

We have made our views known throughout the passage of the Bill, including this evening. There is no point in our voting on Third Reading, as our views are clear to everybody who has followed the progress of our deliberations. The Government have been too cavalier with civil liberties, during the passage of the Bill and more generally. It was striking that this evening only one non-ministerial Labour MP chose to speak during the debate. Trial by jury and hundreds of years of slowly building up the liberties of the individual citizen should not be discarded lightly. The divide in British politics is less between left and right than between those of a libertarian disposition and those of an authoritarian disposition. In that debate, my party is in the former camp. I fear that the Government are far too often in the latter camp, and we will have to revisit these debates many more times in the future.

9.28 pm

Mr. Coaker: It has come as some surprise not only to me but to all hon. Members—

Mr. Deputy Speaker (Sir Michael Lord): Order.

Mr. Coaker: With the leave of the House, Mr. Deputy Speaker.

Mr. Deputy Speaker: Precisely. It is not usual to make a complete reply to a debate on Third Reading, but if the Minister wants to make the odd observation, that will be in order.

Mr. Coaker: Thank you, Mr. Deputy Speaker. With the leave of the House, I shall make a few remarks. I reciprocate the warm appreciation that I received from my right hon. Friend the Minister for Security, Counter-Terrorism, Crime and Policing who, along with my right hon. Friend the Home Secretary and other Home Office Ministers, has assisted and advised me. I also thank the hon. Members for Hornchurch (James Brokenshire) and for Taunton (Mr. Browne) for their kind words. Finally, Mr. Deputy Speaker, I thank you for allowing me to say thank you to everyone.

Question put and agreed to.

Bill accordingly read the Third time, and passed, with amendments.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

European Communities

That the draft European Communities (Definition of Treaties) (Partnership and Cooperation Agreement) (Republic of Tajikistan) Order 2007, which was laid before this House on 10th July, be approved.—*[Mr. Nicholas Brown.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Tuesday 23rd October, the Speaker shall put the Questions necessary to dispose of proceedings on the Motion in the name of Mr Edward Leigh relating to Public Accounts not later than Ten o'clock or three hours after their commencement, whichever is the later; proceedings may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.

Ordered,

That, at the sitting on Thursday 25th October, the Speaker shall put the Questions necessary to dispose of the Motions in the name of Ms Harriet Harman relating to:-

(a) Modernisation of the House of Commons;

(b) Modernisation of the House of Commons (Changes to Standing Orders);

(c) Procedure;

(d) Procedure (Changes to Standing Orders); and

(e) European Standing Committees (Temporary Nomination)

not later than Five o'clock; such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved; proceedings may continue after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—*[Mr. Nicholas Brown.]*

Sittings of the House

Motion made, and Question proposed,

That—

(1) at the sittings on Monday 29th and Tuesday 30th October, the Speaker shall not adjourn the House until any Message from the Lords has been received and any Committee to draw up Reasons which has been appointed at that sitting has reported;

(2) at the sitting on Tuesday 30th October, the Speaker shall not adjourn the House until a Message has been received from the Lords Commissioners; and

(3) on Tuesday 30th October, there shall be no sitting in Westminster Hall.—*[Mr. Nicholas Brown.]*

9.30 pm

Mr. Philip Hollobone (Kettering) (Con): I want to object to motion 6 on the Order Paper, because it has not been properly explained to the House why we should lose up to four and a half hours of parliamentary airtime in Westminster Hall on Tuesday 30 October. It may well be known to you, Mr. Deputy Speaker, at what time Her Majesty may wish to prorogue her Parliament, but it is certainly not known to me, and I suggest that it is not known to other hon. Members.

It seems to be a regular feature of the last days of any parliamentary Session that the Government introduce a motion to suspend all sittings in Westminster Hall on the last day of operations. I am sure that I am not alone in regarding the debates that take place in Westminster Hall as an extremely important part of the parliamentary process. Typically, Tuesday sittings in Westminster Hall start at 9.30 am and run through until 2 pm, and, typically, there are two one-and-a-half-hour debates and then a series of half-hour debates on topics of interest to Members of Parliament who have applied to Mr. Speaker to debate those topics. I have been fortunate enough to take advantage of that procedure and have used valuable parliamentary airtime as a result, with the appropriate Minister in attendance to listen to my concerns as a constituency Member of Parliament and to respond in due course.

Mr. Peter Bone (Wellingborough) (Con): Does my hon. Friend agree that it is difficult to obtain a slot to raise an important constituency issue? Quite often—it has happened this week—I am unlucky in the ballot, so reducing the number of days for debate is rather unfortunate.

Mr. Hollobone: I concur with my hon. Friend, who has taken advantage of the debating time available in Westminster Hall. He is assiduous in his applications to secure such debates, and sadly, like most of us, he is often unsuccessful. However, the fact that he is a persistent applier for such debates means that he has secured a number of important debates in order to represent the concerns of his constituents. Back Benchers will be denied that opportunity on Tuesday 30 October if motion 6 on the Order Paper is agreed.

Motion 6 does not sit at all comfortably with motion 5 on the Order Paper, which relates to the business of the House. This House has just agreed that we will discuss on Thursday 25 October a number of important motions, the main aim of which is to increase opportunities for Back Benchers to influence

[Mr. Hollobone]

how the House operates. However, motion 6 on the Order Paper seeks to delete four and a half hours of parliamentary airtime, which is vital to Back Benchers for putting the interests of their constituents.

I do not know the proposed timing of prorogation on Tuesday 30 October. However, I know that the parliamentary agenda, which we all follow, states under the heading "Business for the period ending on Tuesday 30th October":

> "Includes the business announced by the Leader of the House (which may be changed up to the rising of the House on the day before it is to be taken and is therefore provisional)."

I understand that the agenda is provisional, but it gives the impression that on Tuesday 30 October the first item of business will be questions to the Secretary of State for Health. Health questions are an important parliamentary opportunity for my constituents, whom I do my best to represent, and I hope that they take place on that date.

Mr. Bone: I am grateful to my hon. Friend for giving way again. Is he aware that yet again the parliamentary calendar has been shortened, so that we are sitting for fewer days than before? How could it be right for a question time to be cut? If, however, there is to be a question time, there will obviously be time for a Westminster Hall debate.

Mr. Hollobone: I am grateful to my hon. Friend for that incisive observation. Given the provisional agenda, my understanding is that on Tuesday 30 October the House will meet, as normal, at 2.30 pm, and that the first item of business will be questions to the Secretary of State for Health. I, for one, look forward to the opportunity to ask him questions about health issues in Kettering, not least because there is a lot of concern there about the large number of hospital-acquired infections. I was unfortunate in not being able to put such points to the Secretary of State on his statement last week, owing to the great interest in the subject in the Chamber.

If I am right and the House is due to meet on Tuesday 30 October, presumably the Westminster Hall sittings, which typically start on Tuesdays at 9.30 am and end at 2 pm, will also take place—four and a half hours of valuable parliamentary airtime. Yet motion 6(3) on the Order Paper cancels all that. That is not the first time; increasingly, the Government seek to erase Westminster Hall business at the end of every Session.

I know that you, Mr. Speaker, attach great importance to Westminster Hall debates because it is only with your gracious permission that we can have them in the first place. I am grateful for the number of opportunities that you have given me, as the Member for Kettering, to raise topics of great importance to my constituents—not least this week, when you gave me permission for a debate on the control of illegal immigrants; I look forward to holding the Minister for Borders and Immigration to account for recent incidents in Northamptonshire in respect of that issue.

Mr. David Winnick (Walsall, North) (Lab): I do not necessarily oppose what the hon. Gentleman says, and I hope that the time will come when the Opposition will join in consideration of the whole question of sittings—not least, the long, unnecessary and unjustified summer recess. However, does he not accept that until the change of Government in 1997 there were no Westminster Hall debates? They arose from the Modernisation Committee, set up in 1997, after it considered ways in which Back Benchers could have more time to debate issues. The whole Westminster Hall structure came about under a Labour Government.

Mr. Hollobone: I am most grateful for that intervention. I am a great believer in giving credit where credit is due, and that reform was overdue and welcome. Like me, the hon. Gentleman has taken advantage of the opportunities that Westminster Hall presents. I also share his concern about the very long summer recess that the House of Commons undergoes. Like him, I have supported motions proposing that this House come back during September to discuss items of concern. These two matters are related. Those of us who want a shorter summer recess want to have more parliamentary airtime to put across the concerns of our constituents to the Ministers who are responsible for these matters. Yet we have on the Order Paper a Government motion to deprive this House of four and half hours of valuable parliamentary airtime. I object to that.

I understand that on a Tuesday the other place meets at 2.30 pm—the same time as this Chamber. It would be far more sensible if both Houses met at 2.30 pm on Tuesday 30 October, followed in this place by an hour's questions to the Department of Health, by which time the other House could have decided the timetable for Prorogation. If, at that point, there were no further Lords messages to be received in this Chamber, that would be a sensible time to prorogue. Importantly, in relation to paragraph (3) of the motion, it would also allow for a full Tuesday morning's activity in Westminster Hall.

Mr. Bone: In my constituency, there is a huge problem with people going blind because of age-related macular degeneration. I will submit a question for that day, and I will also apply, as I have been doing, for a Westminster Hall debate, but if this motion goes through I will lose in both cases.

Mr. Hollobone: My hon. Friend makes a very good point.

The Government probably know when they want to prorogue, or to advise Her Majesty on when prorogation should take place, but they are not telling us. The motion is not nearly as good as it could be, and they should go away and think about it again. They could then come back tomorrow with a far more sensibly drafted version that not only secured parliamentary airtime in Westminster Hall and confirmed that there will be questions to the Secretary of State for Health, but gave an indication to this Chamber about the timing of any Prorogation, if it is to be on Tuesday 30 October.

The Government have made no provision at all for the debates in Westminster Hall that should take place in the new parliamentary Session. They have spent a great deal of time ensuring that carry-over motions on important Bills are put before the House. For example, last week we had a very important carry-over motion on the Criminal Justice and Immigration Bill. I had the privilege of serving on that Public Bill Committee, and I am very much looking forward to doing so in the next parliamentary Session. However, there is no carry-over provision with regard to debates in Westminster Hall. When we come back on Tuesday 6 November for the opening of the new Session, surely it would be sensible, in order to secure Back Benchers' rights, to ensure that provision can be made in this Session for applications for Westminster Hall debates on the first Wednesday—

Mr. Speaker: Order. The hon. Gentleman is pushing the boat out a bit too far in relation to these matters. This motion is very narrow.

Mr. Hollobone: Thank you for your guidance, Mr. Speaker, which I appreciate. I shall conclude with these remarks. I know that you attach a great deal of importance to Westminster Hall, Mr. Speaker, as do I and other hon. Members. I simply say to the Government that it is not appropriate to curtail the valuable parliamentary airtime that Back Benchers enjoy by cutting Westminster Hall debates on the last day of every Session.

9.44 pm

Mr. Peter Bone (Wellingborough) (Con): I will not detain the House long, but this is an important issue. The power of the Executive is extremely strong. As parliamentarians we should try to take that power from the Executive and give it back to Members of this House. It is exceptionally unfortunate when debates that are designed for Members to raise issues are stopped. I cannot see the reason for it. There does not seem to be any possible reason why we could not have those debates. Unfortunately, I doubt that we will learn it tonight, but I do not think that the motion is a particularly good one.

Question put and agreed to.

COMMITTEES

EDUCATION AND SKILLS

Ordered,

That Mr Rob Wilson be discharged from the Education and Skills Committee and Mr Graham Stuart be added. —*[Rosemary McKenna, on behalf of the Committee of Selection.]*

HEALTH

Ordered,

That Mr David Amess be discharged from the Health Committee and Mr Robert Syms be added.—*[Rosemary McKenna, on behalf of the Committee of Selection.]*

HOME AFFAIRS

Ordered,

That Mr. Richard Benyon be discharged from the Home Affairs Committee and David T. C. Davies be added.— *[Rosemary McKenna, on behalf of the Committee of Selection.]*

WORK AND PENSIONS

Ordered,

That Justine Greening be discharged from the Work and Pensions Committee and Mr Oliver Heald be added. —*[Rosemary McKenna, on behalf of the Committee of Selection.]*

Alderman Blaxill School

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watts.]*

9.46 pm

Bob Russell (Colchester) (LD): The issue of secondary education in Colchester has widened since I secured this debate, because on Friday Essex county council published proposals to shut not only Alderman Blaxill school but a second school, the Thomas Lord Audley school and language college. The county wants to build a 1,200 place academy on the site of the latter. That will result in a net reduction of 500 secondary school places in Colchester—one of the fastest growing towns in Britain—and in future years will cause a knock-on effect at all the other secondary schools as parents scramble for a place.

Parental choice is already a myth for hundreds of parents. The loss of 500 places, if Alderman Blaxill and Thomas Lord Audley close, will make choice of school even more of a lottery. The closure of Alderman Blaxill school will be contrary to the Government's sustainable communities objectives and their programme of safe routes to school, and it will be a victory for the right-wing Tory county council based 30 miles away in Chelmsford, only one of whose members represents a county division in Colchester—and he used to run his own private school. The town is otherwise represented by three Liberal Democrat and two Labour county councillors. Sadly, Colchester has to suffer the consequences of being ruled by Tories who do not live there. Surely the Minister does not want to jump into the same bed as the county Conservatives.

There is massive opposition in the Shrub End area to the closure of Alderman Blaxill school, which has been at the heart of the local community since it opened just over 50 years ago. It is a much loved community school. Petitions have already attracted more than 2,500 signatures. Special appreciation goes to the Colchester *Gazette*, the town's daily newspaper, which has launched a campaign to save the school—repeating what it did 15 years ago when the county Tories last tried to shut the school but were thwarted by people power.

The *Gazette* campaign, which is regularly covered in the newspaper, has its own distinctive logo with the words, "Alderman Blaxill Must Stay Open—Save Our School". Indeed, tonight's *Gazette* leads on that very issue. I call on the Minister tonight to give his backing to the local community and not to the right-wing Tories at county hall, who have no interest in Colchester other than asset stripping and reducing services, as witnessed already this year by the decision to close the town's adult community education college at Grey Friars, which is to be sold, and by the closure of the Colchester record office, with the transfer of the historic records of Britain's oldest recorded town to Chelmsford.

There is a widely held belief in Colchester that the county Tories want to sell the Alderman Blaxill school site, with its extensive playing fields, for residential development. I have little doubt that the Minister's briefing from his officials—ably assisted, I am sure, by officials from Essex county council—will paint a bleak picture of Alderman Blaxill school. However, I suspect that the county has been quiet about its role in how the school got into its current position. To put it simply, Essex county council is culpable. It is largely responsible for what has happened, and now it is seeking to shift the blame on to the school, and looking to the Government to help it out of the situation that it helped create by shutting Alderman Blaxill, leaving it with a prime site to sell.

As I have already stated, we are now talking about the closure of two secondary schools—Alderman Blaxill at Shrub End and Thomas Lord Audley on the Monkwick estate. The county wants to build a huge academy on the Monkwick site, which, presumably, it expects pupils from Shrub End to attend. But will they? I shall say more about the proposed academy later.

For the moment, let me deal with Alderman Blaxill school. It is named after a highly respected Colchester business man and educationist, who served the town with great distinction for most of the first half of the 20th century; a former mayor who was granted the freedom of the borough, he lived in Colchester. In those days, councillors and officers lived in the community that they sought to represent and serve. Unfortunately, education today is in the hands of Essex county council. I believe that, had Colchester borough council been a unitary authority, the proposal to shut Alderman Blaxill school would not have been made; nor would the town have lost its record office and adult community education college. There is no way that a unitary borough council would have allowed Alderman Blaxill school to get into the position that the county Tories—by deliberate actions and neglect—have permitted. That is a further reason for calling on the Minister not to support the Tory-controlled county council's closure proposal for Alderman Blaxill and Thomas Lord Audley schools.

Until about three years ago, none of the town's six comprehensive schools was in special measures. I could proudly claim that all of them—we also have two selective schools, plus a Catholic college—were good schools. I visit them all, and speak well of every one. However, first one, then two and finally three of the schools were placed in special measures. Only six secondary schools in the whole of Essex were in such a position. So how was it that, almost overnight, half the town's comprehensives found themselves in special measures?

Essex education authority bears collective responsibility for that. There has been a failure to monitor what was going on and neglect to the point where the charge of dereliction of duty must be levelled at the education authority and its political rulers. In the case of Alderman Blaxill school, there has been what I can describe only as a deliberate attempt to undermine it so that the county could proceed with its dastardly proposals to close it—as it had tried to do in the past.

In a feature article in the *Gazette* on 27 June this year, a week after the newspaper broke the news that Essex county council planned to shut Alderman Blaxill, chief reporter Tom Weatherill wrote:

> "There is something going wrong somewhere with education in Colchester—and no-one seems prepared to say what it is."

I urge the Minister to hold an inquiry into the competence of Essex education authority and its politically motivated actions involving Colchester's secondary schools. Perhaps the education authority should be put in special measures.

I also urge the Minister to step in and halt the closure proposals. At a stroke, that would lift the blight on Alderman Blaxill school—a shadow that discourages some parents from sending their children to a school whose future is in doubt. Such a positive move by the Minister will give parents the confidence once again to choose Alderman Blaxill school, and give the school the encouragement to continue its programme under its new head, who has been in post for little more than a year, to restore its good name and reputation, which it had enjoyed for the best part of five decades.

Indeed, Ofsted has praised the new head, Ms Faith Spinlove, who was appointed in March 2006, for identifying the school's problems and introducing

"innovative ways to bring about improvement."

That positive endorsement from Ofsted needs to be matched by ministerial support for the school and not the destructive behaviour of Essex education authority. Incidentally, at a packed public meeting for parents, as reported in the *Gazette* on 2 July, the head

"was handed a resounding vote of confidence"

by the 100 people who attended. She had set out the "tough reforms" that she said she had embarked on to turn the school around.

On 28 September, *Gazette* editor Irene Kettle reported that support for the school was "overwhelming", adding:

> "We think this school, and the unique support it offers to Army families and children with special needs, should stay open for the people of Colchester."

Alderman Blaxill is the smallest of Colchester's secondary schools. That should be cherished, not destroyed. Not every child is happy in a large school. Another special characteristic is that between a fifth and a quarter of Alderman Blaxill's pupils are children who have a father—and sometimes a mother—serving in Her Majesty's armed forces and based at the Colchester garrison. The school has years of experience in helping such youngsters, which I witnessed for myself when just about every soldier from the garrison was deployed in the Iraq war. A further special characteristic is that Alderman Blaxill has the only child dyslexia unit in the north of the county, which was opened by five-times Olympic gold medal winner Sir Steve Redgrave.

There is one characteristic, however, for which Essex education authority should hang its collective head in shame. It has deliberately used Alderman Blaxill school as a dumping ground for dysfunctional pupils whom Colchester's other secondary schools do not want. *Gazette* features editor Iris Clapp observed in an article on 5 July:

> "Alderman Blaxill School doesn't only teach children from Shrub End and Colchester Garrison. It provides desk space for all those teenagers expelled from the town's other secondary schools, has a very high proportion of special needs children, and crucially, houses the only child dyslexia unit in North Essex."

With the lack of support from the education authority, is it any wonder that the school has had more than its share of difficulties, which has led to the criticisms from Ofsted?

Incidentally, the importance of Alderman Blaxill school in the welfare and education of children of Colchester-based soldiers was highlighted in a report by the Select Committee on Defence published on 6 September last year. Indeed, the Committee took the extremely rare step of coming to Colchester, on 24 April 2006, for a formal evidence session at the school, interviewing teachers, service families and service children. In a spirit of joined-up government, perhaps the Minister will invite his officials to read the Committee's report, the 11th of the 2005-06 Session. I would also direct him to an Adjournment debate that I secured on 25 October 1999, in which I highlighted the special pressures facing schools with a large number of children from service families.

For how long has Essex education authority been secretly plotting to close Alderman Blaxill school this time around? Has that been done with the knowledge and connivance of county councillors? It is obvious that discussions long pre-dated the Ofsted inspection in May, but I have not been able to establish when they started or, most crucially, at what point it was decided that the closure of Alderman Blaxill should be pursued and who was involved. Can the Minister throw any light on the sequence of events? Either officials of Essex education authority had deliberated without the knowledge of councillors or councillors were part of the discussions and had known for some time. If they did know, they kept that secret from residents of Shrub End before this May's crucial borough elections in what is Colchester's most marginal three-way ward, for fear that it would be electorally damaging to the Conservatives in fighting the defending Labour councillor, who lost his seat.

About five years ago, the popular head of Alderman Blaxill school left to take up an appointment at a bigger school elsewhere in Britain. Long-serving governors tell me that, despite their objections, they were forced by the county education authority to appoint a head in whom they had little confidence. He did not last long, and quit in 2005 following undisclosed allegations. Former chairman of the governors, Mr. Ray Norris, was reported by the *Gazette* as saying that the county had failed to support Colchester schools. In the issue of 27 June, he referred to what he described as the county's

"poor performance and lack of investment in Colchester schools."

He added:

> "We feel that the County Council has invested in education in South Essex and neglected Colchester."

Some months ago, the head of Thomas Lord Audley school left following a critical Ofsted report. That clearly helped the county with its intentions to close both schools—in effect, to merge them and create a new school, albeit one outside the traditional local education system, namely a so-called academy on the TLA site.

This morning, I visited Thomas Lord Audley school, which is well on the way to coming out of special measures. A few weeks ago, I attended a special evening for potential year 7 pupils at Alderman Blaxill school.

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Blizzard.]*

Bob Russell: While it is true that the number of year 7 pupils in Colchester has fallen in recent times, it was not that many years ago that parents were beating a path to my door because there were seemingly no vacancies at the town's secondary schools. Parental choice was something of a myth for hundreds of parents. History tells me that the numbers will rise again in due course—within the next few years, in fact. Therefore, we should not be talking about reducing the overall number of secondary school places, particularly in a town where there is a huge amount of house building going on.

In his briefing, has the Minister been told that about 2,500 dwellings—yes, 2,500 homes—are to be built on the site of the former Colchester garrison? All of them fall within the traditional catchment areas of Alderman Blaxill and Thomas Lord Audley schools. Does anyone believe that such a huge housing development will not have children of secondary school age? On Friday—the very day on which the schools broke up for half term, which is perhaps why that day was chosen in an attempt to bury bad news—Essex county council published its proposals for an academy on the TLA site to accommodate 1,200 pupils. We can safely assume that the county's so-called consultation will be a sham, and nothing more than a box-ticking exercise. It is deaf to reason and blind to the obvious. Our only hope is that the Government will realise that the county's costly plans do not add up.

The current combined authorised admission number for TLA and Blaxill is 1,700, so the academy proposal would result in a reduction of 500 places in south Colchester, totally ignoring the 2,500 new houses being built at the former garrison. I acknowledge that the current number of pupils is well below the published authorised figure, but the number of pupils currently in year 11 at the two schools totals 300, indicating that, even before the population growth resulting from new housing at the former garrison, south Colchester requires a minimum of 1,500 places in the age group 11 to 16—school years 7 to 11. Evidence that I obtained this morning shows, from the number of children born in recent years, that, by 2015, the number seeking year 7 places will match the number currently in year 11 at Colchester's secondary schools. That is before we take into account the number of children who will move into Colchester to live in the thousands of new dwellings that are being built.

Can we trust Essex education authority when it comes to forecasts? No, we cannot. Just look at the monumental £24 million blunder of the Bishop Park school at Clacton. It opened only five years ago, yet it is now under threat of closure because it has too few pupils. I suggest that the education authority is so traumatised by its incompetence, following its overestimate of the projected numbers at Clacton, that it is now deliberately underestimating the numbers in Colchester for fear of repeating the financial consequences of what happened at Bishop Park.

In relation to value for money, I suggest that, instead of spending some £27 million on a new academy—the average cost according to the House of Commons Public Accounts Committee inquiry into the academies programme—it would cost the public purse considerably less if money were invested in upgrading both Alderman Blaxill and Thomas Lord Audley. This would maintain each as a community-based school serving its distinctive local community.

Let me now deal with the consequences of shutting Alderman Blaxill School and requiring youngsters to travel from Shrub End to Monkwick. Although they are in neighbouring wards, there is no community of interest between the two; indeed, they are separated by the largest super-garrison in Britain. Building work on the second phase is currently taking place; it is a massive complex. There is only one road linking Shrub End and Monkwick. For much of its distance, it is a narrow country road, and an extremely busy one at that, with large stretches without pavements and street lights. There have been several fatalities. It is not a safe route to school. There is no bus route linking Shrub End with Monkwick. Roads on the St. Michael's and Montgomery Army estates are not public thoroughfares: they are maintained by the Ministry of Defence and can be closed whenever required for security reasons. Access by the civilian population is not encouraged. It has been suggested that transport will be provided for children from Shrub End to Monkwick. Will the Minister confirm that free transport is available only for those who live more than three miles from the school?

Yesterday, I drove from the front gate of Alderman Blaxill school in Paxman avenue to Thomas Lord Audley school. The distance to the entrance into the school playing field, off Monkwick Avenue, is precisely three miles. The main entrance, however, is a quarter of a mile further away in School road—a narrow cul-de-sac that the TLA shares with Monkwick infant school, Monkwick junior school, Berechurch community sports and youth centre, and the Ormiston centre, a sports complex. It is already a traffic nightmare. For Shrub End parents, I can foresee lots of disputes over who is entitled to free travel and who will have to pay. At least two thirds of pupils from Shrub End will not be entitled to free transport, thus adding a financial burden on families, many of them on low incomes.

A second issue is that of the additional traffic that would be drawn into the Monkwick estate to reach the greatly enlarged education establishment, using narrow residential roads not built for such heavy traffic. That is not something that local residents will welcome. What is guaranteed is increased traffic chaos and more road safety dangers for everybody. Incidentally, today has the been the first day of half term and the roads in Colchester were free of traffic. I suggest that the education authority and the highways authority engage in some joined-up thinking, as much of the traffic congestion in the mornings is caused by school-related traffic.

It is worth observing how differently Essex education authority has treated the governing bodies of the three secondary schools put into special measures. Those at Sir Charles Lucas and Thomas Lord Audley were allowed to remain in place, and given time and encouragement to turn their schools around. The governing body at Alderman Blaxill, however, has been sacked. Why? Governors had drawn up an action plan to tackle the problems and, as already mentioned, Ofsted has praised the new head for the steps that she has already put in place. The sacking, I submit, is pure spite by the county Tories who resent the determination of the governors to make a success of Alderman Blaxill school.

I discovered today that the interim executive board has already met twice in secret. Nobody knows who sits on the board; the chairman is a mystery man; all parent governors have been removed. What I can say is that, even though there is unlikely to be any confidence in a governing body that has been imposed on the school, the campaign to save Alderman Blaxill school will not be silenced by such an anti-democratic manoeuvre. There are weekly meetings of the parents and community forum, which is made up of people determined to resist the school's closure. Last month, they organised a successful fun day. They have unveiled a "tree of hope" in a town centre shop, launched by the town crier. Will the Minister promise that he will, at the very least, insist that the democratically elected parent governors should be restored to the governing body?

Let me now turn to the prospect of an academy, as disclosed officially for the first time by Essex county council last Friday. What the public announcement does not mention is the prospect that the academy may be sponsored by the Chelmsford diocese of the Church of England. Several weeks ago, in conversation, a clergyman based at Chelmsford casually told me that the diocese had hopes of taking over the then rumoured academy in Colchester. I decided to check that out. Confirmation of such a possibility has been given to me by the chief executive of Essex county council. Although I was assured that

> "no specific agreements have been made in respect to the Diocese and Essex County Council sponsoring an academy in Colchester",

the chief executive confirmed that such a possibility in Essex had been discussed several months ago.

Although I have a Christian upbringing, I am not an Anglican, but come from good nonconformist stock. I have serious misgivings about two of Colchester's local secondary schools being shut down and their replacement academy handed over to the Chelmsford diocese. If the diocese wants to have a secondary school to promote Anglican teachings then let it, like the Brentwood Roman Catholic diocese, organise its own school in Colchester to serve the whole of north Essex for those parents who wish to have such a denominational school—not impose itself on a particular geographic area of the town whose parents may not necessarily wish to have their children taught under a religious regime. What parental choice will there be for those in Monkwick and Shrub End who do not want their children to attend a religious academy? Will other secondary schools in Colchester have places available to accept them?

Academies have a less than impressive track record and are widely opposed by, among others, many Labour MPs and the National Union of Teachers. At a public meeting in Colchester, Mr. Alasdair Smith of the Anti-Academies Alliance observed

> "An academy is owned and controlled by its sponsor and is a law unto itself.
>
> We elect Councillors to a local education authority and parents elect the Governing Body of a school, but at an academy the democratic involvement of the community is removed."

Will the Minister confirm that Mr Smith's statement is correct? Will he confirm that an academy sets its own admission policy, and that it is not subject to national agreements on staff pay and conditions? Will he also confirm that the proposed academy in south Colchester would not have to guarantee a place for every child from Monkwick and Shrub End whose parents sought admission?

Will the Church of England have competition? The prospect of a Church of England-sponsored academy contrasts with a statement made in June by an Essex county council spokesman who was reported in the *Gazette* as saying:

> "It is possible for the Army to become an academy sponsor."

That took Colchester garrison by surprise. The Deputy Commander said that nobody had discussed it with him. Will the Minister comment on whether his Department has had discussions with the Ministry of Defence about the MOD's sponsoring an academy in Colchester?

On 26 June, the *Gazette* reported

> "Colchester Garrison will be asked to make a significant cash investment in creating an academy for Colchester.
>
> Under the plans, leaked to the Gazette, the Thomas Lord Audley and the Alderman Blaxill Schools would both be shut down and demolished to make way for a new 1,200 place academy.
>
> It will be built on the site of the TLA while the Alderman Blaxill site, in Shrub End, would be sold off for housing."

Has the Minister seen the plans that the *Gazette* says were leaked to it? Is he satisfied that he has been given the full pack of cards? There appears to have been some dodgy dealing on the part of the Essex education authority

Colchester is a growing town. Huge new developments are taking place, with several thousand more homes to come in the north, in the central areas, in the former port area in the east, and in the west of the town. Of major significance are at least 2,500 planned new dwellings on land whose nearest local secondary schools are Alderman Blaxill and Thomas Lord Audley. The education authority's projection, which shows a reduction of 500 secondary school places in south Colchester, is ridiculous.

Whatever "here today, gone tomorrow" Chelmsford-based officials and Tory county councillors are saying, the reality is that the closure of Alderman Blaxill school would be short-termism at its worst. I therefore urge the Minister to get to grips with the county hall wreckers and give Alderman Blaxill school the support and continued future that it deserves, and which the local community looks to the Government to deliver.

10.12 am

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): I congratulate the hon. Member for Colchester (Bob Russell) on securing this timely and important short debate. I understand that I may speak for only a few moments in order to give the Minister enough time in which to reply.

The hon. Member for Colchester should not be surprised that the Tory authority in Essex is keen to implement a Tory policy—that of closing down proper community schools and introducing privately run, privately sponsored, privately managed academies. Unfortunately, however, that is not being done only by Tory authorities: the hon. Gentleman's own colleagues in the north of England

[Mr. Ken Purchase]

have been pushed into the position of accepting an academy as part of its Building Schools for the Future programme, and as a condition of being able to look after its other secondary schools. The same has happened in Labour authorities, including mine. If I may say so—and this is totally separate from anything that happened in Essex—the Labour-controlled Wolverhampton authority and its education policies are beyond criticism, but none the less—

Mr. Speaker: Order. I am sorry to interrupt the hon. Gentleman, but an Adjournment debate, by its very nature, is narrow, and we are discussing Alderman Blaxill secondary school. I am not so good on the geography of England, but I think that Wolverhampton is some distance from Colchester.

Mr. Purchase: As ever, I am grateful for your superb guidance, Mr. Speaker, and I will stick to that very narrow point by making precise comparisons.

The hon. Gentleman mentioned church schools, which are bedevilling—forgive the pun, which was not intended—education in his constituency. The reason given for establishing academies there is that they will provide more parental choice. My constituency has three private schools, a girls grammar school, four Church schools, two foundation schools, a city technology college, Walsall academy, St. Thomas More Catholic school and a raft of specialist schools. In fact, the situation has become impossible for a liberal-minded parent who wants a school for their child that is non-selective, non-sectarian and non-fee-paying. This is how, in the hon. Gentleman's constituency, like mine, the choice agenda has resulted not in a wide liberal choice for progressives, but in a narrowing of opportunities, which are restricted basically to those of a regressive understanding of education.

I shall pick up on a point that concerns our constituencies that has been made by the Public Accounts Committee. It has found that the academy movement is overspending both in capital and start-up, that it does not provide best value, that the sponsors are taking contracts from their schools and that there is a high exclusion rate. I think that you are perhaps getting ready to get to your feet again because my comments are not narrow enough, Mr. Speaker, but I am trying my best to reinforce the hon. Gentleman's point. A Tory policy is being implemented by bully-boy tactics, and it is not, in most cases, in the best educational interests of the young students of this country. I am happy to support the hon. Gentleman's Adjournment debate.

10.16 pm

The Minister for Schools and Learners (Jim Knight): I congratulate the hon. Member for Colchester (Bob Russell) on securing this debate. He has raised the situation with me a number of times through parliamentary questions, and I welcome the opportunity to debate the issues, even though we may not see completely eye to eye. I am sure that Essex county council will take note of his many comments about it, through reading either *Hansard* or the faithful reporting of this debate in the Colchester *Gazette*.

The background to this debate is the importance of standards in schools, and the circumstances in which robust intervention, particularly secondary special measures, can become necessary. I want briefly to give some national figures to put the Colchester case into perspective. The hon. Gentleman asked whether Essex county council itself should be put in special measures. He will be disappointed to hear that I am advised that, generally, Essex is assessed as being strong on children's services. Its main weakness is in secondary provision and I shall make some comments about that, but children's services as a whole are in reasonable shape, according to the inspectors of Essex county council—not that it is my job to be its advocate.

I agree with the hon. Gentleman about the importance of acknowledging the particular problems faced by schools that serve a large number of children from service families. That is one of the reasons why I took measures to ensure that the pupil count—the school census—takes account of and records the children of service families. I made that promise to the Select Committee on Defence when it examined that subject.

On 1 September, 42 secondary schools were in special measures in this country, six of which were in Essex and, as the hon. Gentleman said, no fewer than three were in Colchester: Sir Charles Lucas, Thomas Lord Audley and Alderman Blaxill schools. Thomas Lord Audley school has now come out of special measures, but it is still under a notice to improve. That means it is still providing an inadequate education for its pupils but Ofsted considers that its leadership has demonstrated the capacity to improve further. I wish it every success.

Nevertheless, a serious situation undoubtedly remains in these Colchester schools. In 2005, only 38 per cent. of pupils at Alderman Blaxill were achieving five or more grades A* to C GCSEs, which is well below the national and county average of 56 per cent. That should have sent a warning signal both to the local authority and to the school's governors, but rather than improvement, there has been a fall in attainment since. Figures for 2006 show only 34 per cent. achieving their five GCSE passes. Provisional figures for this year are even worse at 24 per cent. If we look at the same figures including English and maths—the basics that are essential if children are to prosper in the future—they fell from 16 per cent. to 14 per cent. between 2005 and 2006. At the same time, Thomas Lord Audley's figures were 26 per cent. in 2005 and 38 per cent. in 2006, and 20 per cent. and 28 per cent. including English and maths, showing an improvement.

Sad to say, the provisional 2007 results, this time including English and maths, show Alderman Blaxill school with 17 per cent., Thomas Lord Audley school 27 per cent. and Sir Charles Lucas school 26 per cent. In those three Colchester schools, only around one quarter of young people, sometimes less, are leaving with the qualifications they need. So none of us should be satisfied with that. It is clear that pupils in schools like Alderman Blaxill and other local schools have not shared in the school improvements and rising standards of recent years.

Alderman Blaxill is in a very serious position. The Ofsted report from May this year highlighted the rapid staff turnover, unsatisfactory teaching and learning, inadequate leadership and management, insufficient challenge from the governors, falling rolls and increasing deficit. I should like to quote what the Ofsted inspectors said about some of those points:

> "Students' achievement is unsatisfactory. Standards at the school are too low and are declining. Relatively few students leave with good GCSE results, and many leave with poor literacy and numeracy skills. Students are not appropriately equipped for further study or employment. The school's expectations for students are too low. Assessment and monitoring of progress are weak.
>
> Most students are not clear what they should do to improve....Unfilled vacancies mean that students have too many temporary teachers so continuity is poor. One student commented that 'there is no point coming to school because we have different teachers every day'".

On achievement and standards, for which the school received the lowest category, the report said:

> "Overall progress during Key Stage 3 is significantly slower than expected and has declined since 2005. Students' progress in mathematics and English is weak."

I could go on at length. On leadership and management, which also received a grade 4, the report said:

> "Leadership and management are inadequate. The school fails to provide a satisfactory standard of education for its students."

Let me now address the concerns of the hon. Member for Colchester about the replacement of the governing body at Alderman Blaxhill. The report also identified serious weaknesses in the way in which the governing body was operating:

> "Governors have not challenged the school's poor performance sufficiently. Pupil numbers are falling, and this is putting additional pressure on the school's financial deficit. The governing body has not ensured that there is a clear strategic direction."

Similarly, when analysing leadership and management in the school, inspectors found that:

> "Governors, though supportive of the recent changes introduced by the new headteacher, do not challenge or hold the school to account. For example, they have not challenged the school for the lack of improvements since the last inspection and have not ensured that there is clear strategic direction."

There was also a deterioration in the relationship between the local authority and the governors—the hon. Gentleman mentioned that—which resulted in a delay to the submission of the statement of action following the special measures designation. For those reasons, together with the poor performance I noted earlier, the local authority has taken the step of seeking the approval of my right hon. Friend the Secretary of State to replace the governing body with an interim executive board, as the hon. Gentleman said. This is an important step towards immediate improvement, though clearly much work needs to be done locally to drive longer term change.

Local authorities are becoming increasingly aware of the benefit of interim executive boards as they invariably drive forward the necessary changes for schools to recover from special measures. An IEB is usually a small focused group with typically between three and six members, appointed for the full period that it is expected to take to turn the school around. It takes on all the responsibilities of a governing body, including the management of the budget, the curriculum, staffing, pay and performance management, and the appointment of the head teacher and deputy head teacher. The IEB's main functions are to secure a sound basis for future improvement in the school and promote high standards of educational achievement. Members will often have experience of turning round other schools in difficulties or be members of a local authority school improvement service. The members of this IEB have more experience than the former governing body. The chair is Martin North, a consultant head from Havering, and he will be joined by a national strategies expert—*[Interruption.]* My hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase) says it is a mockery—

Mr. Purchase *rose*—

Jim Knight: I shall not give way to my hon. Friend. He did not have the courtesy to inform me that he intended to speak in the debate, which is the custom of the House, so I shall not offer him the courtesy of allowing him to speak further.

My Department is working with the local authority urgently to consider plans for improvement at all those schools as well as for the overall future strategy, which is an obligation for us, the local authority and everyone involved in the Colchester community, because the children of that community deserve better. Despite the comments of the hon. Member for Colchester, I believe replacement of the governing body was fully justified. Moreover, to preserve some continuity, the chair of the governors has been invited to sit on the board, although not as chair.

The position is difficult, but academies are one model that can help to turn the situation around. They represent a fundamentally different education model, with greater independence and greater involvement of local partners, helping to involve the whole community in a transformation of the school. Academies are set up to address entrenched problems in areas such as Colchester. We do not expect all of them to be an overnight success, but to make steady and sustained improvements in achievement.

I am not in a position to talk about the sponsor; those discussions are at an early stage. However, the local authority will have a place on the governing body, which would have to abide by the admissions code—that would be written into the funding agreement—so the questions the hon. Gentleman raises about admissions do not follow.

Some academies are already having a dramatic impact; for example, last year the number of children in academies with five GCSEs at grades A* to C improved by 6 per cent. compared to 2 per cent. nationally. The impact of those improvements should not be underestimated in communities with long-standing legacies of underachievement. The real test of that success has been the way in which parents have responded, flocking to take up places in academies.

Academies are proving to be an effective and popular solution in communities such as Colchester, which is why the option is being explored by the local authority. What is clear is that there can be no tolerance of the status quo in this place; as I said, the pupils and their families deserve better. The popularity of academies contrasts with the current situation at Alderman Blaxill. I realise that the hon. Member for Colchester said that the school is massively popular with the community and much loved, and he referred

[Jim Knight]

to the signatures on the petition. However, there are only 70 pupils in year 7 and only 16 first preferences for admission next year, with one week to go.

Bob Russell: I am surprised there are even 16.

Jim Knight: What does that suggest about parents voting with their feet.

As the hon. Gentleman knows, school organisation is a matter for Essex county council. Decisions about closure and merger are ultimately for the council to make and he needs to continue his robust exchanges with the county council, campaigning, as he does so assiduously, for his constituents and their interests as he sees them.

Bob Russell: I recognise the problems the Minister describes, which I would lay at the door of the local education authority that has allowed the situation to occur. What would happen if the consultation showed that the people of Monkwick and Shrub End wanted the £27 million to be invested in their two community schools rather than in a new academy? Will the Government allow them to have that capital for their schools?

Jim Knight: The capital investment to which the hon. Gentleman refers will come about only on the basis of something that is proven in turning around results. Investing in academies is not about investing in buildings; it is about investing in improved leadership, focus and an ethos that turns around standards. That is the consistent record of the 83 existing academies.

The hon. Gentleman referred to 2,500 new homes. That, too, is an issue that Essex county council has to address, but we will work with the council on serious interventions to improve things.

In conclusion, I invite the hon. Gentleman to rethink. He is well known as a champion for Colchester and he is impatient about the lack of standards, so I hope that he will want to work with us to ensure that the academy proposed by Essex to address the poor standards at Alderman Blaxill is a success. I am sure that is what his constituents want him to do. In the end, we can all agree that the standards in those Colchester schools are not good enough for his constituents. We should all work together to resolve the problems.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Ten o'clock.

House of Commons

Tuesday 23 October 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TRANSPORT

The Secretary of State was asked—

Road Deaths

1. **Mr. Neil Turner** (Wigan) (Lab): What recent progress her Department has made in reducing the number of deaths and serious injuries on the roads. [159761]

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): Good afternoon, Mr. Speaker. The number of people killed or seriously injured on Britain's roads has fallen by 33 per cent. in the last decade and the number of children killed or seriously injured has fallen by 52 per cent. in the same period. However, there are still around 3,000 people dying, and nearly 30,000 being seriously injured, every year. Clearly, we need to continue to work hard as there is always more to be done on road safety.

Mr. Turner: I thank my hon. Friend for that answer. May I suggest that he looks at the regulations that prevent local authorities from putting traffic-calming measures in place on classified roads, such as City road and Frog lane in Wigan? If we can put such measures in place, we can help the Government to drive down the number of terrible accidents and serious injuries throughout the country.

Jim Fitzpatrick: My hon. Friend has a strong point to make on additional speed restrictions on urban roads. A Transport Research Laboratory study showed that in 20 mph zones accidents fell by 60 per cent., child accidents by 67 per cent., and cycling accidents by 29 per cent. We have devolved the responsibility and authority to introduce the zones to local authorities, and I know that many authorities across the country are taking advantage of those regulations.

Mr. Greg Knight (East Yorkshire) (Con): But is the Minister aware that the number of deaths on our roads could be cut by several hundred a year, and the number of serious accidents by over double that number, at a stroke if we were to abolish the ridiculous ritual whereby we put our clocks back every autumn, thus plunging the country into mid-afternoon darkness? Will the Minister have a word with the Secretary of State to see whether she can persuade the Cabinet to allow Britain to remain on British summertime throughout the year in the interests of road safety, albeit initially on a trial basis?

Jim Fitzpatrick: I seem to remember answering that question last year, when I was a junior Minister at the Department of Trade and Industry and responsible for time. *[Interruption.]* Somebody has to be the Minister for time, and I'm your man. The evidence that was presented showed clearly that there was a strong split in the country between those in favour of the change and those against. The statistics on road accidents, compelling as they were, were not entirely convincing. I seem to remember that we tried the arrangements that the right hon. Gentleman suggests, as did other European states, and we all reverted to the time zones that we currently use.

Ms Katy Clark (North Ayrshire and Arran) (Lab): Motorcyclists are particularly badly represented in the figures. I understand that some 20 per cent. of casualties and serious injuries involve people on motorcycles. Will my hon. Friend outline what steps he is taking to address that problem?

Jim Fitzpatrick: As my hon. Friend suggests, motorcyclists continue to be disproportionately represented in the casualty figures. We have been working closely with representatives from the motorcycling industry and with user groups. Indeed, I have met three such groups in the past three weeks. In 2005, we published the Government's motorcycling strategy, which sets out a range of actions to make motorcycling safer, but my hon. Friend is absolutely right: 600 of the 3,000 people who were killed in the last year for which figures are available were motorcyclists, and that is just entirely wrong.

Mr. Nigel Evans (Ribble Valley) (Con): I have one of the most dangerous roads in Britain, the A59, in my area. On one part of it, where sadly there have been deaths and serious injuries, there have been calls for a roundabout, but I am told by the county council that there are insufficient funds to build it. The council has put up a lot of cones, but accidents still occur. Will the Minister please look seriously at using all the fines from speed cameras to improve road safety on some of our most dangerous roads?

Jim Fitzpatrick: The hon. Gentleman obviously knows his area well, and raises the case of a particular road. The money that is raised from speed cameras is recycled. Local authorities can spend it as they wish. There is a priority system for dealing with accident blackspots, which is used by the Highways Agency and other authorities. If he wishes to drop me a line on the issue, I will certainly get information to him on the latest position in respect of the road that he is concerned about. Obviously, where we can take action to reduce accidents on particular roads, we ought to make sure that it is taken.

Chris Ruane (Vale of Clwyd) (Lab): May I offer a Welsh solution to an English problem? Will my hon. Friend visit my constituency and see the first-class

20 mph zone that has been created outside Rhyl high school by North Wales police and Denbighshire county council, using money from safety cameras? It is one of the most comprehensive 20 mph systems in the country, with initial warnings, secondary warnings and a camera.

Jim Fitzpatrick: As a Londoner I hate to disillusion my hon. Friend, but he is describing not a Welsh solution but a local authority solution. As I mentioned to our hon. Friend the Member for Wigan (Mr. Turner) only a few moments ago, we have passed regulations to empower local authorities to do exactly what my hon. Friend's local authority has done, because it brings benefits to the whole community and in many instances improves traffic flow routes as well. We want 20 mph zones to be introduced where they are appropriate. They clearly are effective. They cut accident rates, which means that we can protect our communities and particularly our children. I would encourage every local authority to engage with its community and see whether they are relevant for them.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): The encouraging headlines belie a grim statistical trend. One in six deaths on the roads are associated with drink driving. That has increased from 460 in 1998 to 540 last year. Does the Minister think that by presiding over a reduction in traffic police numbers and not making drink driving a key performance indicator for police forces, the Government are sending out all the wrong messages and contributing to the problem, not to the solution?

Jim Fitzpatrick: The hon. Gentleman raised that very point in Westminster Hall last week and we had an interesting discussion. I was able to reassure him that after our recent efforts to campaign against drink driving, there were more breathalyser tests in recent times. We liaise closely with our colleagues in the Home Office to make sure that enforcement is as high up their agenda as it is on ours. The hon. Gentleman says that one in six fatalities are caused by drink driving. In one in three fatalities, speed is a contributory factor. I am not in any way minimising that. We must take into account all the reasons why fatalities occur. There are far too many, and we both agree that as a Parliament we want to be seen to be doing all we can to encourage better driving on our roads.

Ann Coffey (Stockport) (Lab): The latest figures show that there has been a 37 per cent. decline in the number of fatal and serious child casualties in Stockport. There is still more work to be done, but will my hon. Friend join me in welcoming the work of the local road safety officers and the many initiatives that they are pursuing, including their valuable preventive work in schools?

Jim Fitzpatrick: I am happy to join my hon. Friend in commending the activities of the officers of her local authority. As I have mentioned in the past few answers, 20 mph zones and action at local level by local authorities can save lives. All of us in the House would encourage that.

Peterborough Station

2. **Mr. Stewart Jackson** (Peterborough) (Con): If she will make a statement on the proposed upgrading of Peterborough railway station. [159764]

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): National Express East Coast Ltd has been awarded the franchise to run the east coast main line rail service from 9 December 2007. Its plans for Peterborough include additional car parking spaces, cycle storage, passenger information equipment and a refurbishment of facilities.

Mr. Jackson: The Minister will know that the redevelopment of Peterborough railway station is vital to the regeneration of the city centre in Peterborough. Will he give an undertaking that he will prevail upon Network Rail to work speedily and closely with key stakeholders in Peterborough, including Peterborough city council, Opportunity Peterborough and other private developers, to ensure that we have a 21st century railway station not too long into the 21st century?

Mr. Harris: The hon. Gentleman makes a valid point. His concerns for his railway station and the economic driver that it can be for his community is echoed by many Members of the House. Network Rail's proposals for Peterborough station are entirely a matter for him and Network Rail's private sector partners. However, I would be more than happy to convey to Network Rail the hon. Gentleman's concerns that that work should be progressed early.

Heathrow (Security Delays)

3. **Miss Ann Widdecombe** (Maidstone and The Weald) (Con): If she will make a statement on delays caused by security procedures at Heathrow airport. [159765]

The Secretary of State for Transport (Ruth Kelly): It is paramount that the UK's aviation security regime is properly enforced. It is also clearly important that passengers are not unnecessarily inconvenienced by security measures. At Heathrow, as at all other airports, the Government are working closely with the industry to ensure that both objectives are fully considered.

Miss Widdecombe: Given that we have seen another summer of long queues, and that the Airport Operators Association says that the queues are too long, too intrusive and that good will has been lost on the part of passengers, does the Minister accept that it is now time for some sense and proportionality? By my nail scissors, there are none at the moment.

Ruth Kelly: I am delighted that the right hon. Lady is in her place asking questions; I am only disappointed that she has already declared her intention not to stand at the next general election. The whole House would agree that we will be the poorer for that.

The right hon. Lady referred to delays in security queues at Heathrow, but I make no apology for the fact that we need robust security measures to counter a real and serious security threat. I accept, of course, that at times there are delays and inconvenience for passengers, but we should bear in mind the facts: despite some of the news coverage, queues in central search areas are routinely running at less than 10 minutes for 95 per cent. of the time. However, if we can make sure that a robust security regime remains in place, I am determined that we should make progress on the issue. That is why earlier this year, in the summer, I convened an airline and airport operators security summit and why we have set up a working group to see what improvements can be made.

Mr. Denis MacShane (Rotherham) (Lab): I have been going through Heathrow and Gatwick a few times in recent months on my journeys to Europe. On the way out, I have never had to wait more than 10 minutes between check-in and buying a book in Borders. On the other hand, on the way back there have been intolerable third-world queues at immigration. That is not my right hon. Friend's responsibility, but will she have a word with the Home Office? Seeing the businessmen of the world queuing up to enter Britain, as if they were in some third-world country, is shaming and not a good advertisement for a modern UK.

Ruth Kelly: My right hon. Friend is a seasoned traveller and well used to dealing with some of the inconvenience that there clearly is for passengers at Heathrow. As he says, such matters are rightly for the Home Secretary, who takes a close interest in border control. I understand that there are more front-line border officers than ever before; their being there doing that important job is preventing thousands of illegal immigrants from entering the UK every year. The Home Secretary keeps such issues under review and will take action if that is required.

Sir Patrick Cormack (South Staffordshire) (Con): Does the Secretary of State accept that robust security is one thing—we all support that—but unintelligent security brings security into disrepute? Will she look again at some of the knee-jerk regulations brought in last year in the wake of the scare? I do not want my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) to lose any more nail scissors.

Ruth Kelly: Despite my respect for the hon. Gentleman, I do not recognise his characterisation of the situation at all. The one-bag rule was introduced for extremely good reasons—there was a serious, real and ongoing threat to our national security. The UK restriction was intended to limit the number of X-rays per passenger. There was a clear choice: introduce the one-bag rule or stop planes flying altogether.

We keep such issues constantly under review, of course. I am absolutely clear that if we can make progress, we should; I am determined to work with the industry to see what alternatives are possible. However, let me be clear to the House: before sanctioning any change, I will have to be satisfied that it would not have an adverse impact on security.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Like me, Mr. Speaker, you are a regular traveller on planes, as you come from Scotland on a weekly basis. The experiences of my right hon. Friend the Member for Rotherham (Mr. MacShane) are nothing like ours; we have to wait for up to three quarters of an hour to go through security at Heathrow. It is a joke. It is down to the inconsistencies; we have to deal daily with bad management at that airport. However, I have an answer for you, Mr. Speaker. You should use London City airport, where security is far better, airline services are of a far higher standard and people do not lose their bags as they do at Heathrow every time they travel.

Mr. Speaker: Order. The aeroplane into London City airport leaves from Edinburgh; I prefer Glasgow.

Ruth Kelly: I certainly sympathise with my hon. Friend, but we need to be clear about the fundamentals of what is happening at Heathrow, which is the world's busiest and most congested international airport and is operating way beyond its capacity. For example, I understand that its runways are operating at about 98.5 per cent. capacity, which reduces resilience and leads to delay.

As a Government, we have a clear response to that—we need to build more capacity. In the short term, terminal 5 is coming on stream, and in the medium term there will be the new terminal to replace terminals 1 and 2. In the longer term, the Government's policy is that we need new runway capacity at Heathrow—consistent, of course, with local and environmental constraints, as set out in the 2003 White Paper. I look forward to hearing what the hon. Member for Chipping Barnet (Mrs. Villiers) says about that.

Mrs. Theresa Villiers (Chipping Barnet) (Con): I think the Secretary of State's answers show that she has spent too much time in the VIP lounge and not enough time with real passengers. The CBI has warned that Heathrow hassle is an increasing threat to inward investment in the UK. *Chicago Tribune* readers voted the airport the worst in the world, and anyone who has travelled knows what a deeply unpleasant experience it can be. When is the Secretary of State going to start knocking heads together to get something done to improve the quality of service at an airport that is rapidly becoming a national embarrassment? We think that passengers deserve better.

Ruth Kelly: Actually, I think that passengers deserve better. That is why the Government have the very clear policy position that if the local environmental conditions are met we should have a third runway, which would preserve Heathrow's place as a premier international airport. The hon. Lady, however, seems to be torn from pillar to post. On the one hand, she is being advised by her one of her right hon. Friends that yes, we need more capacity at Heathrow; on the other, she is being advised by another right hon. Friend that we do not need any increase in capacity at all. Which will she do?

Mrs. Villiers: The Secretary of State cannot wash her hands of responsibility for the state of Heathrow today. The Government are part of the problem, when they should be part of the solution. Why do they think that 45-minute waiting times at immigration are acceptable? Do they not recognise that long queues are in themselves targets and security risks? Will they admit that their one-bag rule, which the Secretary of State defended again today, is not in place to preserve safety but because of inefficiency? Why do we have to put up with the one-bag rule in this country when no other country in the world does?

Ruth Kelly: There is a very clear answer to this: we have a more serious threat than other European countries do. The EU sets minimum standards which we have decided to exceed in order to limit the number of X-rays per passenger. That is for very serious reasons: we want to protect the public. If the hon. Lady is saying that I should lift the one-bag rule without regard to the security consequences, that is a totally irresponsible position. Of course we need to do better, and we keep these issues under review. Earlier in the summer, I convened a summit with the airport and airline operators. We have set up a working group to examine what progress can be made. I am optimistic that we will shortly be in a position to make progress, but first and foremost must be the security requirements of people in this country.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. Friend will be aware that part of the reason for long queues at Heathrow and throughout UK airports is the personal searches that take place of passengers by security staff, which are, I have to say, particularly intimate and intrusive. Will she work with the airport authorities to find some form of technology that could also be used in other countries to make these searches less intrusive?

Ruth Kelly: My hon. Friend is absolutely right to draw attention to the potential of better and more sophisticated technology. Indeed, at Heathrow, as in Glasgow, we are trialling sophisticated security screening technology and more sophisticated X-ray technology that may reduce the need for some of the intimate hand searches and may also lead us to a situation in which we can consider changing the restrictions that are currently in place. However, as I have already said, the first priority must be preserving and maintaining the security of the travelling public. Provided that we do that, I clearly want to make progress to improve the passenger experience.

Airedale and Wharfedale Lines

4. **Philip Davies** (Shipley) (Con): Whether she plans to provide extra carriages on the Airedale and Wharfedale lines. [159766]

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): Earlier this year, the Department supported capacity improvements which have maintained longer trains on the Airedale and Wharfedale lines. In addition, the rail White Paper published in July set out the Government's intention of buying a capacity increase of 53 per cent. for peak hour commuter trains serving Leeds between now and 2014.

Philip Davies: Although I welcome the extra carriages promised by the Minister, lines are overcrowded now. Providing carriages many years in the future is not good enough; we need them now. Will he tell me how many of those extra carriages will be on the Airedale and Wharfedale lines, and what work will be done to ensure that infrastructure is in place to cope with extra carriages, such as longer platforms?

Mr. Harris: The hon. Gentleman should be careful when listening to the propaganda put out by his Front Benchers. The spending commitments in the White Paper that was published in July included a commitment to 1,300 new carriages. Those carriages will be rolled out throughout the network from next year, not 2014 as suggested by his Front-Bench spokesmen. Network Rail's strategic business plan, due at the end of October, will tell us where capacity will best be provided, and a final decision on the allocation of all the carriages will be made at the beginning of the new year.

Mr. Paul Truswell (Pudsey) (Lab): Does my hon. Friend accept, however, that the Airedale and Wharfedale lines are victims of their own success? We have refurbished stations such as that at Guiseley, new rolling stock that replaces 40-year-old, slam-door cast-offs inherited from the last Government, and ever increasing numbers of passengers. Does he recognise that in order to overcome major problems with overcrowding we desperately need extra capacity, and extra car parking provision at stations such as Guiseley to reduce the pressure on surrounding neighbourhoods?

Mr. Harris: My hon. Friend makes an excellent point. Being a Minister with responsibility for rail at this point in the history of railway services is a privilege because the problem that I have to deal with is one of inexorably rising rail patronage. Under the last Conservative Government, however, particularly in 1982, a record low number of passengers were using the network. In the past 10 years there has been a 45 per cent. increase in patronage, which is in no small part down to the role the Government have played in investing in the rail industry, and in ensuring that our economy encourages record numbers of passengers to use the rail industry to get to jobs that did not exist under the Tories.

Susan Kramer (Richmond Park) (LD): As the Minister will know, the Airedale and Wharfedale lines, and the other local Leeds lines, need something like 100 additional carriages, and that need is evident throughout the country. Would he please clarify where the 1,300 promised carriages will go? If they are to be delivered early next year, have they already been ordered? What impact will there be on disputes over the future of rolling stock leasing companies? What will the timing be, and when will local lines know about it, so that they are in a position to plan? When can passengers look forward to having a small chance of finding a seat?

Mr. Harris: If I have inadvertently misled the hon. Lady about the delivery time scale for the 1,300 new carriages, I apologise. I said that a rolling stock plan would be finalised early in the new year. The 1,300 new carriages will be delivered between next year and 2014. She will be disappointed if she expects major changes to the structure of the industry as far as the rolling stock companies are concerned. I believe that the current structure of the industry is fit for purpose and that the rolling stock companies are doing what they intended to do, so I do not envisage any change to that structure. Through the current industry structure, we can guarantee those 1,300 carriages—an increase of more than 10 per cent. on the current level of rolling stock on the railways. That is the biggest single step change increase in capacity for the rail industry since the end of the second world war.

Train Overcrowding

5. **Bob Spink** (Castle Point) (Con): What her policy is for reducing train overcrowding. [159768]

The Secretary of State for Transport (Ruth Kelly): The rail White Paper was published in July. It sets out the resources we intend to make available to the rail industry and the increases in capacity, as well as safety and performance, that we expect the industry to deliver in return. In addition to this, we have given the green light to Crossrail to relieve congestion on both rail and underground networks.

Bob Spink: I am grateful for that answer, and the decision on Crossrail is particularly welcome. The c2c train operator on the Fenchurch Street line has done an excellent job. It is one of the best performing in the country and has improved reliability while keeping down ticket costs. However, overcrowding on that line is unacceptable and unsafe. My constituents who try to get on those trains at Benfleet station have difficulty finding seats. What will the right hon. Lady do to encourage further investment so that we can get more rolling stock, and will she support my campaign for an additional terminus station at Canvey Island?

Ruth Kelly: First, I thank the hon. Gentleman for his generous remarks about Crossrail, which is a historic achievement under this Government. I understand his concerns about overcrowding—it is precisely for that reason that we are making the investment in capacity that the Under-Secretary, my hon. Friend the Member for Glasgow, South (Mr. Harris), has just outlined.

I also understand the hon. Gentleman's desire for his constituents to benefit from Benfleet and Canvey Island. I know that c2c, a good operator, is already examining options for ways in which it might increase capacity on those routes.

The hon. Gentleman campaigns for a new station on Canvey Island; I understand that that is an expensive route to take. However, as he knows, if he comes up with a robust business case, with improved and significant private sector investment and a high level of benefits to cost, the Government will consider it.

Mr. Eric Martlew (Carlisle) (Lab): I am sure that my right hon. Friend knows about overcrowding on the west coast main line. The train on which I travelled yesterday from Carlisle was horrendously overcrowded because of the cancellation of an earlier train. However, overcrowding is a day-to-day problem on the west coast main line. I do not understand why Virgin Trains proposes to run a train from London to Glasgow with only one stop at Preston, missing out Carlisle. That will put extra pressure on the other trains in the area in order to reduce the time by only three minutes. Will my right hon. Friend ask the Minister responsible for rail to meet me to discuss the matter before the timetable is agreed?

Ruth Kelly: I shall certainly ask my hon. Friend the Minister responsible for rail to meet my hon. Friend—I should be delighted to do so. I am sure that he welcomes the £7 billion investment in the west coast main line upgrade. It has transformed the prospects for the route and means that far fewer people now choose to fly between London and Manchester but instead, like me, take the train. Of course, problems with overcrowding remain. They will be taken into account in any forthcoming spending plans. However, my hon. Friend the Minister responsible for rail assures me that, given that the timetable is not yet finalised, he is happy to have discussions with my hon. Friend.

Michael Fabricant (Lichfield) (Con): The right hon. Lady will know that congestion on the west coast main line is partly due to the fact that the trains have nine carriages. That is an increase of one on the original plan, which was for eight carriages. Negotiations are going on about providing a further two carriages to make 11 in all. However, Virgin Trains asks what profit is in that for the company if its franchise is to last only a short time. Will the Secretary of State look at the matter afresh and realise that if Virgin Trains is to provide two extra carriages per train at its expense, it needs a longer franchise period?

Ruth Kelly: The hon. Gentleman will understand that such negotiations are never easy and that train-operating companies often come to the Department with requests for extensions to their franchises. He should consider the specific request that he mentioned in that spirit. My hon. Friend the Minister responsible for rail assures me that he is optimistic that a deal about the extra carriages will be done. The west coast main line will benefit from greater train frequencies and more rolling stock as we deliver the single biggest increase in investment since the war.

Ms Celia Barlow (Hove) (Lab): Does my right hon. Friend realise that, on the overcrowded Hove to London line, Network Rail is about to remove the trees from the cuttings? Is she or a member of her ministerial team willing to come and speak to representatives of my constituency, of the National Union of Rail, Maritime and Transport Workers and experts from the university of Sussex, who are worried that the risk of landslip on that crowded line is greater than any danger posed by leaves on lines?

Ruth Kelly: I appreciate the fact that my hon. Friend champions the concerns of her constituents. I understand that a meeting is already in the diary for tomorrow, when she will meet my hon. Friend the Minister responsible for rail. I am sure that she will use that opportunity to discuss those issues and ensure that the best solution is reached.

Buses (Antisocial Behaviour)

6. **Anne Milton** (Guildford) (Con): If she will make a statement on levels of antisocial behaviour on buses. [159769]

The Minister of State, Department for Transport (Ms Rosie Winterton): The 2004-05 British crime survey showed that around 1 per cent. of regular bus users had been a victim of a crime or antisocial behaviour on a bus. However, any level is too high and we continue to work with operators, local government, trade unions and other agencies to tackle the issue.

Anne Milton: Does the Minister agree that the issue is not just about crime? For many people, buses are becoming no-go zones. I was at the launch of the Surrey coalition for disabled people, a group that, among others, has raised with me the fact that buses can feel hostile and unpleasant. There is no point in extending free access to public transport, particularly buses, if people do not feel safe to travel on it. Does the Minister agree that it is a matter of discipline, respect and civil behaviour?

Ms Winterton: The hon. Lady is right that we must do all that we can to ensure that travelling by bus becomes the first choice, rather than the last resort. As I have said, the percentage of people who have been a victim of crime or antisocial behaviour is quite small. However, it is important that we continue, for example, to install CCTV. In London, every bus has around six cameras, to ensure that the police can take up issues where they are reported, while there are 360 extra police officers in London dealing with antisocial behaviour on buses. In the hon. Lady's constituency, the safer Guildford partnership is looking at a number of issues, including how to make travelling on public transport safer. There is also the STOP—safer travel on buses and coaches panel—campaign, which is looking at what else we can do to overcome any problems that arise.

Tony Lloyd (Manchester, Central) (Lab): My right hon. Friend is right to draw attention to the fact that the number of attacks on buses is quite small, but that does not stop the public having a genuine apprehension, particularly on late-night services. Is not one solution to bring back the bus conductor, even though that would be at a cost to the bus operators?

Ms Winterton: My hon. Friend makes an interesting point. However, we should remember that the role of bus conductors was to allow passengers to buy their tickets, not to act as security guards. We should also remember that when conductors were employed in London they were the most assaulted members of staff, so reintroducing them is not the answer. However, it is important that we should continue to look at what further measures we can take, such as installing CCTV cameras, and ensuring that people report incidents to the police and that the police can follow them up. In that way, we can ensure greater safety.

Mr. Khalid Mahmood (Birmingham, Perry Barr) (Lab): Is my right hon. Friend aware of a survey conducted by the *Birmingham Mail* into bus use by passengers in Birmingham, which found a considerable increase in antisocial behaviour where the Tory-Lib Dem council had cut down on routes? Will she point out to the council that its duty is to increase passenger usage, not decrease it?

Ms Winterton: My hon. Friend makes an important point about the role of local authorities in encouraging bus use. One of the things that we are doing through the draft local transport Bill is giving local authorities greater powers, which will make it easier to introduce quality partnerships, for instance, and if necessary, to introduce quality contracts, to ensure that local authorities provide the local transport that local people want, particularly bus services.

Clive Efford (Eltham) (Lab): Does my right hon. Friend agree that when people mention antisocial behaviour on buses they are generally referring to young people, particularly in London, where they enjoy concessionary fares? Although there is no excusing antisocial behaviour wherever it occurs, does she agree that we should avoid demonising young people, because that might result in our restricting access to certain services to which they are entitled like everybody else?

Ms Winterton: My hon. Friend makes the extremely important point that we should not demonise young people. He might have heard some comments recently about the "scourge" of

> "some obstreperous kids…abusing the privilege of free travel"

and using buses as

> "glorified getaway cars for their criminal escapades".

I am afraid that those remarks were made by the hon. Member for Henley (Mr. Johnson). I hope that that does not mean that the Opposition are now backing, as the hon. Gentleman seems to be doing, the withdrawing of—

Mr. Speaker: Order.

Transport Expenditure (Yorkshire)

7. **Greg Mulholland** (Leeds, North-West) (LD): If she will make a statement on levels of transport spending in Yorkshire. [159770]

The Minister of State, Department for Transport (Ms Rosie Winterton): The Department for Transport's spending on transport services—road and rail—has increased by 77 per cent. over the six years to 2007-08 in the Yorkshire and the Humber region, up from £330 million in 2001-02 to £590 million in 2007-08.

Greg Mulholland: I thank the Minister for her answer, but will she tell the people of Yorkshire just how long they can expect to be rooted at the foot of the league table for her Department's transport spending? Will she also tell the people of Leeds why £350 million to transform transport in Leeds has been deemed too expensive, even though it fulfils the criteria set out by the Department, but £16 billion on the Crossrail system in the south-east is deemed good value for money?

Ms Winterton: Something like £1 million a day is being spent to support Northern Rail. As I said, local transport funding for road and rail in Yorkshire and the Humber has increased by 77 per cent., and local transport funding itself has doubled in the past seven years. It has increased from £75 million in 2001 to £156 million in 2007-08, while £250 million of investment has come through the TransPennine Express franchise. The hon. Gentleman needs to remember that it can be difficult to make comparisons between the spending per head in the different regions, because of the amount that might already have been spent on big strategic road networks or on rail. Overall local transport funding in Yorkshire and the Humber has doubled, and the spending on roads and rail has increased by 77 per cent. I would like to know whether the hon. Gentleman feels that Lib Dem policies would produce that kind of—

Mr. Speaker: Order. Those are not matters for the Minister.

DUCHY OF LANCASTER

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster was asked—

Social Exclusion

17. **Mr. Jim Devine** (Livingston) (Lab): Whether the public service agreement for social exclusion is intended to improve access to employment for the most socially excluded adults. [159745]

The Parliamentary Secretary to the Cabinet Office (Gillian Merron): Helping more of the most excluded adults to obtain a job as well as a home is a key priority across government through the socially excluded adults public service agreement.

Mr. Devine: I am grateful to my hon. Friend for that answer. There is a particular difficulty with people who have chronic psychiatric problems. Will she tell the House what action she is taking to get those individuals back into the workplace and to educate employers about the benefits of employing those people?

Gillian Merron: My hon. Friend has a long track record of speaking up for that group of people, and I share his view that a home and a job are an important part of getting them back on track. I can offer him some good news. Through pathways to work, we are giving people assistance to manage their condition. We are also helping them through the increasingly successful local employment partnerships, involving more than 100 companies such as M&S, Sainsbury's and Tesco, which want to see such individuals skilled and ready to work and are prepared to offer them work. In addition, there is the recently announced jobs pledge, through which we will work closely with employers to get about 250,000 of the most disadvantaged people into work.

Mr. Francis Maude (Horsham) (Con): The Minister will be aware that, since 1997, the number of people living in severe poverty has increased by 600,000, that working-age poverty has increased and that the number of young people not in work or full-time education has risen by 20 per cent. Perhaps we should therefore not be surprised that, last week, the Government decided not to publish their usual annual Opportunity for All report. Instead, they simply slipped out the bare indicators on the Department for Work and Pensions website with as little fanfare as possible. Was last Thursday thought to be a particularly good day to bury bad news?

Gillian Merron: The figures have been published and they are on the website, which is open and available to everyone. I do not recognise the position that the right hon. Gentleman describes. We have more people in work and in decent homes than ever before; we have lifted 600,000 children out of poverty; and we have seen major increases in income and educational achievement. The whole point about the public service agreement is that it is a Government commitment to go even further.

Anne Moffat (East Lothian) (Lab): Does my hon. Friend agree that people who suffer from epilepsy are particularly discriminated against in the workplace? Anything that we can do to help people suffering from that dreadful illness would be gratefully received.

Gillian Merron: I share my hon. Friend's concern. I would like to emphasise something that I know my hon. Friend supports: we are working closely with employers through a particular programme to overcome the stigma that exists and to encourage understanding of such conditions.

Dr. Stephen Ladyman (South Thanet) (Lab): Is my hon. Friend aware that people with learning disabilities and those on the autistic spectrum are often the most excluded from employment, yet when they get into the right work, they can be the most loyal and most effective of workers? What more can we do to help that group of people to identify the right employment opportunities and get into work?

Gillian Merron: My hon. Friend makes a very good point. It is true that those who have been most excluded sometimes have a lot to offer. The challenge for us is not primarily about job opportunities—on any given day, there are some 660,000 vacancies—but the fact that we need to raise the game in skills, training and support that can be tailored to individuals such as those identified by my hon. Friend.

Third Sector

18. **Miss Anne McIntosh** (Vale of York) (Con): What his policy objectives are in relation to the third sector; and if he will make a statement. [159746]

The Minister for the Cabinet Office (Edward Miliband): The third sector review published in July set out a vision for how the Government can work in partnership with the sector to support its work in four key areas: building stronger communities, transforming public services, creating social enterprise and speaking up for the people they represent. The office of the third sector is financing that with over £500 million of investment and by working with Government Departments to make it happen.

Miss McIntosh: I am grateful for that answer, but I do not know whether it amounts to policy objectives. I hope that the Minister will join me in congratulating many in the voluntary sector on whom the Government are completely dependent, particularly in respect of delivering their care programme. I am thinking of the Leonard Cheshire homes in my constituency, which do a fantastic job for disabled young people. Will the

Minister promise that the Government will not stand in the way of the voluntary sector, but work with it to enable it to continue to deliver the excellent work that it does?

Edward Miliband: I definitely join the hon. Lady in paying tribute to the work of Leonard Cheshire all around the country as well as in her constituency. The third sector review, which has been widely welcomed, including by Leonard Cheshire, is aimed precisely at creating the right environment for the third sector, in recognition of the inspiration that it provides. The Government can help the third sector by providing the right conditions, having the right funding in place and, in particular, providing stability of funding, which is crucial for organisations around the country.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): My right hon. Friend will know from his visits to Hammersmith and Fulham that we have a very active third sector, as I was reminded last Friday when I visited our volunteer centre. Under the energetic leadership of Marion Schumann, it is now the biggest in London. What can my right hon. Friend do, however, about the local Tory council? From 1 October it has imposed swingeing cuts on advice to the black, minority and ethnic sector, and from next April it promises cuts in the voluntary sector of up to 26 per cent.

Edward Miliband: My hon. Friend makes his point in a very eloquent way. I very much enjoyed an Adjournment debate a few months back in which we discussed the situation in Hammersmith and Fulham. The Government can do some things and we are strengthening the framework for local government so that it has better relations with the third sector. The truth is, however, that the ultimate sanction is to vote them out.

Mr. Henry Bellingham (North-West Norfolk) (Con): How much lottery money will be diverted from the third sector towards the 2012 Olympics?

Edward Miliband: The Big Lottery Fund is the primary source of funding for third sector organisations. They campaigned to protect it, and we are protecting all the money going to that sector. The Big Lottery Fund has made that clear and I hope that the hon. Gentleman will welcome it.

Andrew Gwynne (Denton and Reddish) (Lab): The third sector in Tameside in Stockport is increasingly taking over responsibility for providing public services, often using one-off grants or other forms of external funding. What efforts are being made to ensure that sustainable funding regimes are put in place for such organisations, so that community groups can plan with more certainty for the future?

Edward Miliband: My hon. Friend makes an important point about what happens to third sector organisations. I had the privilege of visiting third sector organisations in Stockport, his neighbouring constituency, where I saw their good work. It is precisely through new objectives that measure the performance of local government in relation to third sector organisations that we hope to make a difference to the stability of funding provided.

John Bercow (Buckingham) (Con): I hope that the right hon. Gentleman will salute and champion the role of the third sector in the delivery of aid to some of the poorest and most disadvantaged children on the planet. This is not a request for public funding: will the Minister simply pay tribute to the extremely important work undertaken by the Schools for Africa project, which is engaged in mobilising the enthusiasm and voluntary initiative of thousands of schoolchildren across the country, in enabling the provision of decent-quality books and equipment to children in the developing world whose opportunities are few and far between?

Edward Miliband: Let me pay tribute to the hon. Gentleman for his long-standing championing of the need for the right amounts of overseas development assistance. I think that he would join me in suggesting that it is extremely good that we are on the way to the 0.7 per cent. target, which is an extraordinary achievement for this country. I also want to pay tribute to the voluntary work done to support aid organisations. The non-governmental organisation overseas aid sector distinguishes itself by speaking up for changes in the law and policy, and by campaigning in relation to the developing world, and we also very much want to protect that.

Tom Levitt (High Peak) (Lab): My right hon. Friend might not be aware that I was on the management committee of my local citizens advice bureau in the early 1990s, when the CAB and other organisations were condemned by Conservative Ministers for behaving in ways that were deemed to be political. There was an assumption that those organisations could not campaign to get the law changed. Does my right hon. Friend agree that that was political correctness gone mad? Does he also agree that this Government's policy towards the third sector should involve no such restriction on campaigning?

Edward Miliband: My hon. Friend has a distinguished record in championing the rights of the third sector. I did not know about his history of involvement in his local CAB, but he makes a profoundly important point. We had an illuminating debate on the matter last Thursday. While the third sector review champions the right of voluntary organisations to speak up, campaign, draw on their experience and say how they want policy to change, it is becoming increasingly clear to third sector organisations around the country that the Conservative party has great doubts about that.

Norman Baker (Lewes) (LD): The Minister has correctly said that the growth of the third sector, which is welcome, must not replace adequate funding of public services by Government. At the Lewes Victoria hospital in my constituency, however, the league of friends increasingly spends money not on fripperies but on essential medical equipment. What steps is the Minister taking to ensure that the third sector does not engage in work that the public sector should do, and that we do not effectively have postcode funding based on the strength of the third sector?

Edward Miliband: I do not know about the local example raised by the hon. Gentleman. I point out to him, however, that the health service budget has increased in the past 10 years from about £30 billion to more than £100 billion. Historically, volunteers have played an important role in relation to the health service, without, as far as possible, substituting for what paid members of staff do. At a local London hospital I had the privilege of meeting volunteers who add to what paid staff can do, and I agree with him that that must be the objective.

Greg Clark (Tunbridge Wells) (Con): In the third sector review published in July the Government stated that they could

"see no objection—legal or other—to a charity pursuing"

its purposes

"wholly or mainly through political activities".

In last Thursday's debate I asked the Minister if it was his view that a charity should be allowed to devote 100 per cent. of its resources to campaigning politically, to which he replied:

"No, that is not my view."—[*Official Report*, 18 October 2007; Vol. 464, c. 989.]

Will the Minister therefore clarify what is the view of the Government? Should a charity be allowed to pursue its purposes wholly through political activities—yes or no?

Edward Miliband: In this we are guided by the Charity Commission. If the hon. Gentleman had done his homework, he would have read the April 2007 Charity Commission document on the matter. Question 11 asks about a small charity that might for a temporary period devote all its resources to campaigning. The Charity Commission view is that that is all right, and that is my view, too. However, it goes on to say that if in the long term that becomes the sole activity of an organisation, then that is not acceptable. It is becoming increasingly clear that while we want to protect the independent voice of charities, the Opposition want to go back to the 1980s—

Mr. Speaker: Order. I call Mr. Taylor.

David Taylor (North-West Leicestershire) (Lab/Co-op): If the voluntary sector is to be more successful in bidding for public services, is it not the case that it must improve its bidding, its marketing of itself and demonstrate its track record, and also that it must have more robust forms of governance and clearer lines of accountability to its stakeholders? What are the Government doing to enable it to capacity build in those regards, so that it can have a better track record in winning public service contracts?

Edward Miliband: Again, my hon. Friend makes an important point. The investment that we are making through Capacitybuilders in this spending review is precisely about building up the capacity of third sector organisations, so that they have the skills to be able to supply public services and fulfil contracts. Also, the Futurebuilders programme is investing in public services. The third sector accepts its responsibility to demonstrate the accountability my hon. Friend talks about, and to have the necessary skills and expertise.

Sir Nicholas Winterton (Macclesfield) (Con): Is the Minister not aware that the voluntary sector in this country is often assisted financially by local authorities, and that that is money well spent? Is he not further aware that many local authorities—not least Cheshire county council and Macclesfield borough council in my constituency—are under-resourced and do not have the opportunity or ability to help voluntary organisations such as the Crossroads association in Macclesfield, of which I am patron? They want to do more, but they do not have the money. Will the Government ensure that local authorities are adequately resourced?

Edward Miliband: The hon. Gentleman is a long-serving and distinguished Member of this House, but it sounds as if he is making a request that goes beyond my remit: that we should spend a lot more public money on local authorities. I shall pass on his thoughts to the Chancellor of the Exchequer, but I point out to him that how much local authorities prioritise the work that they do with the third sector is a matter for their discretion. Many local authorities have a distinguished record, and I urge others to follow their example.

Community Organisations

19. **Ms Celia Barlow** (Hove) (Lab): What plans he has to support the work of small community organisations. [159747]

21. **Rosie Cooper** (West Lancashire) (Lab): What steps he is taking to support the work of small community organisations. [159749]

The Parliamentary Secretary to the Cabinet Office (Phil Hope): Small community organisations are an essential part of a strong local voluntary sector—indeed, they are a key part of a strong and thriving community—and support for their work is a Government priority. The office of the third sector has created the £30 million community assets fund, which will help community groups to take on the ownership and management of assets. It is also introducing a new £80 million programme of small grants for small community and voluntary organisations and a £50 million programme of endowment grants to help local foundations to provide an enduring source of funding.

Ms Barlow: I thank my hon. Friend for his answer. In Hove and Portslade in my constituency, the Sussex multiple sclerosis treatment centre, a charitable organisation set up and run entirely by MS sufferers, was charged VAT on its building work to enlarge its centre. We were eventually able to get the VAT written off, but does my hon. Friend agree that it would be of particular benefit to all charitable organisations if there was VAT exemption for such third sector organisations?

Phil Hope: I congratulate my hon. Friend on achieving the write-off. In any application for a local authority grant to pay for refurbishment or repairs, third sector organisations are very much encouraged to include the costs of VAT, so that every such organisation gets the full cost recovery from grants of that kind. On the wider question, there is a generous package of tax relief and tax exemptions for charities, but broader questions about VAT are a matter for the Treasury. I shall bring her point to the attention of my Treasury colleagues.

Rosie Cooper: Areas in my constituency rank in the top 10 per cent. of deprived communities. Last Friday, I discussed one particular project that is seeking funding both to develop volunteers to help others and to help alleviate deprivation in Skelmersdale by increasing access to advice and skills by way of information and communications technology facilities. How will the Government's investment in the third sector help such organisations?

Phil Hope: I congratulate my hon. Friend on her excellent work as a champion of voluntary organisations in her constituency. Through Capacitybuilders, the Government are providing some £85 million-worth of investment over the next three years to local and national organisations to give advice and support, including on administration and skills, on making use of computers and on the internet. I would recommend that as a first step the organisation that she mentions goes to the Capacitybuilders website or contacts its main switchboard. We can provide her with the details about that. Many local authorities and businesses often provide surplus computers and equipment to voluntary organisations, and she might like to pursue that avenue too.

Mr. John Leech (Manchester, Withington) (LD): Will the Minister join me in condemning Manchester city council's decision to undermine local community groups by choosing to increase rent massively on its buildings?

Phil Hope: I am afraid that it is not my position to condemn one council or another. This Government have made it clear to local authorities that we expect them to provide sustainable, long-term, three-year funding in compliance with the Compact, which applies across the country. They should also ensure, as part of the local government performance framework, that local third sector organisations thrive in every local area across this country in line with this Government's objective of ensuring that we have a modern, 21st-century third sector that delivers, and stands up and campaigns for the needs of people in communities.

Voluntary Sector

20. **Mr. Andrew Mackay** (Bracknell) (Con): If he will make a statement on the role of voluntary sector organisations in the delivery of public services. [159748]

The Minister for the Cabinet Office (Edward Miliband): Voluntary organisations have an important role to play in the design, development and delivery of public services. That is why in areas such as child care provision, recycling and employment services we are promoting the sector's role. Third sector delivery will not be used by this Government as a cut-price alternative to properly funded public services.

Mr. Mackay: While the Minister's words are fine, in practice very little is happening. Does he understand why the voluntary sector is so disappointed that it is not being included more in delivery in the public sector?

Edward Miliband: I disagree with the right hon. Gentleman, because lots is happening. If one looks around the country at the different services provided by the voluntary sector, from recycling to pathways to work, the offender management service to child care provision, one sees that in a whole host of different areas the third sector is increasingly playing a role in public services. There is further to go and we want to encourage it.

Mr. Speaker: Before I call the statement, may I say that a practice has come in that hon. Members are reading supplementary questions? I am not going to single out any hon. Member, but they should hear what the Minister has to say and respond accordingly. Questions should not be prepared beforehand. We are well into this Parliament, and the practice should not continue.

Scottish Elections 2007

3.34 pm

The Secretary of State for Scotland (Des Browne): I would like to welcome the publication of the Electoral Commission report into the conduct of the May 2007 elections. Earlier today, Mr. Gould, the head of the commission's independent review team, launched the report at a press conference in Edinburgh. The House will appreciate that I am not in a position at present to give a definitive response to all the recommendations or options that touch on the Secretary of State for Scotland's responsibilities for the elections to the Scottish Parliament. As is standard with these reports, I will of course respond formally in writing in due course.

In May, my predecessor, the Secretary of State for International Development, my right hon. Friend the Member for Paisley and Renfrewshire, South (Mr. Alexander), made a commitment that the Government would update this House in the light of the publication of Mr. Gould's report. In making this statement today, I am honouring that commitment.

In the main, I believe that the report is a valuable contribution to the analysis of what went wrong in administrative terms in the period leading up to and including the night of count for the May elections. I do not agree with every aspect of Mr. Gould's analysis and I shall explain that in more detail shortly. But my one main message for the House today is that it is my principal objective to ensure that, in the interests of the voter, we will never again face the problems we saw on 3 May.

Mr. Gould's report offers several recommendations about how to achieve that objective. Importantly, he recommends that elections to the Scottish Parliament and to local government in Scotland be decoupled and no longer held on the same day, and it is my understanding that the Scottish Executive had signalled at an earlier stage their intention to look seriously at that.

A positive decision on decoupling would, I think, be welcome, but none the less I am here today to tell the House that I can accept a number of the core recommendations in the report. First, Mr. Gould recommends that electronic counting should in future be restricted to local government elections, and I am happy to accept today that electronic counting will not be required for separate Scottish parliamentary polls. Secondly, on ballot paper design, Mr. Gould proposes that we should revert to two separate ballot papers: one for the regional vote and one for the constituency. Although I may not agree with all Mr. Gould's reasoning in reaching that recommendation, I see advantage in reverting to the two-page arrangements for future Scottish parliamentary polls and so I accept that recommendation. Thirdly, the report proposes a longer period between close of nominations and polling day, and I am minded to accept that proposal. Fourthly, Mr. Gould has emphasised the importance of consolidating the relevant legislation governing the administration of elections. I am minded to accept that recommendation as it relates to elections to the Scottish Parliament. Fifthly, Mr. Gould has proposed that electoral legislation is not applied to any election held within six months of a new provision coming into force. Provided suitable safeguards can be found, as Mr. Gould's report encourages, I am prepared to accept that recommendation for elections to the Scottish Parliament.

Mr. Gould has also brought forward a very substantive option, designed in his view to tackle the fragmented nature of responsibility for all the elements that go into the conduct of elections. The creation of a chief returning officer with statutory powers would be a significant alteration of our present structures. I have an open mind on that, but would wish to see a wide-ranging debate among all interested parties about the implications of our moving to such a radically different structure of accountability.

The topic of the overnight count is clearly an issue of concern to Mr. Gould. He recognises that there are advantages and disadvantages to overnight counting, but concludes by recommending that, if polls continue to close at 10 pm, there should be no overnight count of the ballot papers. To abandon completely overnight counting for parliamentary elections would represent a major departure from well-established precedent. I am not convinced that such a change would necessarily have any great benefit for voters, but I am willing to hear the voices of those with a different view.

Mr. Gould devotes some time in his report to what he calls

> "the use of 'naming strategies' by political parties to seek an advantageous position on the regional side of the Scottish parliamentary ballot sheet".

He refers to that practice as "sloganisation" of party names and recommends that legislation be amended to

> "minimise the possibility of confusing or misleading voters while facilitating a level playing field for all political parties".

We will consider that recommendation alongside the others to which I have already referred.

I wish to offer a preliminary comment on the recommendation about assigning responsibility for both elections to one jurisdictional entity. Mr. Gould concludes that the "Scottish Government" would be the best logical institution. I have to say that at present I am not persuaded that Mr. Gould's analysis of that point necessarily supports his conclusion. What we are surely looking for is improved planning and preparation for what in future will be two quite distinct sets of elections. The decoupling of parliamentary and local government elections should create clarity in terms of responsibility and accountability. That said, Mr. Gould's recommendation is simply that preliminary discussions should take place, and I am willing to give that serious consideration. There are clearly lessons to be learned and changes to be made, but I do agree with Mr. Gould when he says on the final page of his report that

> "it is important not to lose sight of the many positive aspects and good intentions of those involved in assembling and conducting the 3 May 2007 elections."

Mr. Gould sets out the range of interconnected interests that are essential to getting right the various elements in the election process, but he has concluded that the fragmented nature of that planning process was itself a cause for flawed decisions. I acknowledge the Scotland Office's role in the overall process and can say now that we have lessons to learn from the systemic failures that occurred. The changes that I have

[Des Browne]

announced today are the beginning of the process of correcting those failures and rebuilding trust in the electoral process.

There have been different interpretations of what Mr. Gould means in his report by the phrase "partisan political self-interest". We now have the benefit of Mr. Gould's additional comments at his press conference today, where he confirmed that

> "party self-interest in this context is not necessarily related to one party".

Mr. Gould's clarification reinforces my own reading of the report. For example, at several points—specifically, on pages 17, 18, 26, 48, 107 and 113—Mr. Gould advances the argument that too much of the detail prescribing the administration of the Scottish elections was set out in legislation, and was therefore the subject of excessive debate and prolonged discussion among politicians. In his view, much of that detail should be left to electoral administrators to decide, in order to reduce the role that "political interests" play in setting the administrative framework.

The design of the Scottish parliamentary ballot paper was one example raised by Mr. Gould. The approach taken by the Scotland Office was to consult fully on the idea of a combined paper, including with the political parties, the Electoral Commission, returning officers and accessibility groups. Subsequently, and following further statutory consultation with the Electoral Commission, the order that included the ballot paper was debated and approved by Parliament. If that consultation was too inward looking and not focused firmly enough on the voter, as Mr. Gould suggests, I apologise and commit to learning the lessons for the future.

The changes announced today, and those that I have committed to consider further, should give Scottish voters confidence that the experience of 3 May will not be repeated. Specifically, the commitment to use two separate ballot papers for the Scottish parliamentary poll and the removal of the need to use electronic counting outside the Scottish local elections will make elections in Scotland simpler and ensure that future polls are not defined by administrative problems.

I have decided, as part of the necessary action in respect of recommendations affecting my responsibilities, to respond positively to an approach from the Scottish Affairs Select Committee to consider the report and let me have its views. I am grateful to the Committee's Chairman, my hon. Friend the Member for Glasgow, Central (Mr. Sarwar), for his proactive approach.

In addition, I wish there to be further parliamentary debate in this House and will initiate wider discussion with ministerial colleagues and with the wide range of interests involved in electoral matters. That would include the Electoral Commission and Mr. Gould and his team, if possible. I believe that those are important steps to take before we finalise views to be set out in our final written response to the report.

I commend Mr Gould's report to this House and look forward to more extended debate on its findings in due course.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I thank the Secretary of State for his statement, and for the advance copy that he let me have. Although the inquiry was not held according to the terms that we sought, Mr. Gould is a leading world expert on the organisation and management of elections, and is a person of impeccable independence and expertise.

The Secretary of State's apparent suggestion that everybody is to blame, and that therefore no one is to blame, simply will not do. It is time for the Scotland Office to take responsibility for failing the people of Scotland. The right hon. Gentleman is also the Secretary of State for Defence, and today he has been forced to come to the House to defend his predecessor, who is, disappointingly but perhaps not surprisingly, absent. However, the right hon. Gentleman has scant chance of success, because there can be no defence to the conclusion of an independent reviewer, who says that both the Scotland Office—the Scotland Office, Mr Speaker—and the Scottish Executive were frequently focused on partisan political interests in carrying out their responsibilities, overlooking voter interests and operational realities. Furthermore, what was characteristic of 2007 was a notable level of party self-interest evident in ministerial decision making.

Does the Secretary of State agree that such behaviour is tantamount to attempting gerrymandering in the worst traditions of Tammany hall politics, and that it demonstrates complete contempt for the democratic process, laying bare the inner workings of the Labour establishment for all to see? Is not the position rendered even worse by the fact that the former Secretary of State was also Labour's Scottish election co-ordinator?

The Secretary of State knows that when candidates and agents break the rules for their advantage they go to prison. What sanction does he propose for Ministers who seek to make rules for their partisan advantage? If the Government cannot be trusted with the basic democratic duty to run elections fairly and without political interference, what can they be trusted to do?

On 23 May, the right hon. Member for Paisley and Renfrewshire, South promised to apologise if the review found fault with the actions and decisions of the Scotland Office. The review has revealed not only partisan decision making but serial incompetence: Ministers unable to pass legislation in time, unable to take decisions in time and unable to communicate with their counterparts in Scotland; decisions taken against all advice and two different elections with two different voting systems on the same day, with votes to be counted electronically through the night. The fact that the election was not an even worse shambles is due to the work of returning officers and their officials, who should never have been treated in such a cavalier manner.

The current Secretary of State has said that he is not in a position to give a definitive response to the report, but what is required is for his predecessor to give the apology that he promised, and the definitive response the House requires. In the light of that response, we shall judge whether his predecessor is fit to continue in public office. However, what is absolutely clear from this damning report is that in future no one should ever again hold ministerial responsibility for elections simultaneously with responsibility for the conduct of their party's campaign, and the Minister should immediately be stripped of those responsibilities in the Labour party.

Des Browne: I thank the hon. Gentleman for recognising the appropriate qualifications that Mr Gould brought to the job. Nobody reading the report can say that it is not robust and challenging; it has 120 pages. However, it is perfectly clear from the hon. Gentleman's contribution from the Dispatch Box that he has not had the opportunity to read them all yet—*[Interruption.]*—or to absorb them all.

I caution the hon. Gentleman about quoting discrete parts of the report out of context, even though I am about to do just that to give the House an example of the danger of doing so—he may want to take particular note. I shall quote one sentence, from page 120:

> "Almost without exception, the voter was treated as an afterthought by virtually all the other stakeholders."

The hon. Gentleman's party falls within the definition "all the other stakeholders"—*[Interruption.]*

Mr. Speaker: Order. Let the Secretary of State speak.

Des Browne: The Conservative party's response makes my point. If you are going to comment on the report—[HON. MEMBERS: "We."] If one is going to comment on the report, one should at least take the time and trouble to read all of it. Moreover, it would help if hon. Members had listened to Ron Gould when he introduced the report and was asked the very questions that lie behind the observations. In response to a particular question, he said:

> "So I don't think I would absolve any party".

He was asked about gerrymandering and said:

> "'Party self-interest' in this context is not necessarily related to one party."

It behoves us all as the political classes—*[Interruption.]*

Mr. Speaker: Order. I hope, Mr. Swayne, that you will not spend the time on the statement just shouting across the Chamber. That is unlike you. You are not that type of person.

Des Browne: Despite the endeavours of the hon. Gentleman and no doubt others, I am focusing on making sure that what happened will not happen again. The response that I have given today will, I think, ensure that it will never happen again, because I anticipate that the Scottish Parliament will exercise its power to decouple the elections. However, it chose not to exercise that power before these elections; it kept them together.

To return to the report, Mr. Gould made clear what the phrase that the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) relies on so heavily actually means. Mr. Gould had the opportunity to single out individuals, but he does not call for anyone to resign. He says that no was being singled out for blame. These were complex issues. People acted in good faith and we have to move forward.

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): Does my right hon. Friend agree that this country has the fine tradition of announcing election results as soon as possible? Will he assure me that he will maintain this tradition?

Does my right hon. Friend further agree that the statement of Alex Salmond, the First Minister, was intentionally misleading when it appeared on the ballot papers in relation to the regional list? Will my right hon. Friend take up the recommendation from Ron Gould that the party name should appear on the ballot paper in future elections?

Des Browne: My hon. Friend chairs the Scottish Affairs Committee and has suggested that the Committee consider the report in the detail that its complexity requires. He raises two important points, both of which I dealt with in the statement. I agree that overnight counts are a long-standing part of our democratic and political process. There is an expectation among the electorate that they will have the results of parliamentary elections immediately after the polls close. That necessitates overnight counts and I do not think that it is any more difficult for machines to count votes overnight than it is for them to count them during the day. It might be more difficult for people to do that, but my experience of elections is that overnight manual counts have been very successful for decades.

I am prepared to consider my hon. Friend's point on that issue, as I am prepared to consider the recommendations about the designation of parties. However, there will need to be consultation and consideration on the nature of the recommendations.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I also thank the Secretary of State for advance sight of his statement. Ron Gould is to be congratulated on the report. It is a thorough and authoritative analysis of what happened in May and he has clearly defied those who said that he would not be able to produce such an independent piece of work.

I regret to say, however, that the Secretary of State's statement today raised almost as many questions as it answered. He is right: all parties had a role to play in this process. Only one party, however, took decisions—his party and that is a fact from which there is no hiding.

The role of the Secretary of State's predecessor, the right hon. Member for Paisley and Renfrewshire, South (Mr. Alexander), requires close examination. Essentially, the Secretary of State has come to the House today to say that a wee boy done it and ran away, which really is not good enough. It has been observed that the Scotland Office does not have much to do. In fact, the organisation of elections is the only executive function that it retains. The Gould report is a detailed and damning critique of the Department's failings. Today, it seems that another Department has been added to the list of those that are not fit for purpose. It is regrettable that the Secretary of State is not prepared to acknowledge today that the logical and sensible next move would be to give the Scottish Parliament control over its own elections. The Secretary of State says that he is yet to be persuaded of that, but he does not offer any reason why the law should continue to defy logic in such a way.

The report is about more than administrative failings in the electoral process; it is about the politics that led up to that process. The Secretary of State has already referred to Mr. Gould's comments, and expanded on Mr. Gould's reference to "partisan political interests",

[Mr. Alistair Carmichael]

but the House should be aware of the whole paragraph in which that phrase is used. It speaks of Ministers who

> "were frequently focused on partisan political interests in carrying out their responsibilities, overlooking voter interests and operational realities within the electoral administration timetable. At worst, the Ministers disregarded the highly negative and disruptive influence on the elections caused by their delays in arriving at key decisions. At best, they either overlooked or were poorly advised with regard to the serious operational consequences that could and did result."

It is clear from that paragraph that the process within the Scotland Office was removed from the normal Government process. Some personal explanation by the Secretary of State's predecessor is therefore required.

The Secretary of State will be judged on how he responds to the report, and on whether he ensures, in the interests of the voter, that we will never again face the problems that we faced on 3 May, but the matter does not end there. The conclusion that I draw from the report is that the right hon. Member for Paisley and Renfrewshire, South was responsible for a crisis that brought into question the fundamental integrity of our electoral process. It is wrong that he should evade responsibility simply by virtue of taking on a new job in Government. A villain who has left the scene of his crime is still a villain. He must explain his actions to the House, and if no satisfactory explanation is forthcoming, the Prime Minister should remove him from Government.

Des Browne: I refute entirely the suggestion that my right hon. Friend the former Secretary of State for Scotland, now Secretary of State for International Development, in any way acted according to party interest in making the decision. I accept that the hon. Member for Orkney and Shetland (Mr. Carmichael) quotes the report correctly. He does not misrepresent the report, but there is not a jot of evidence in it that supports that assertion. The issue of party interest therefore requires further explanation, and I suspect that that is why the media explored the issue with Mr. Gould this morning, when he introduced the report. I have quoted the explanation that Mr. Gould gave, and I am sure that the hon. Gentleman knows exactly what that explanation was. I cannot go beyond that. If people want to understand what the phrase means, they have to look at it in the context of the whole report, the constant references to the issues throughout the report, and indeed Mr. Gould's explanation.

Let me deal with the issue of the recommendation on who should have sole responsibility for the elections. The issue is covered in one paragraph on page 111 of the report, which says:

> "As long as the responsibilities for the decisions which have an impact on the Scottish parliamentary and local government elections are divided between the Scotland Office and the Scottish Government, it cannot be guaranteed that these electoral processes will be conducted effectively, due to the fragmentation of the legislation and decision-making in this context."

That is in the context of combined elections.

There is no question but that that is exactly what it means. The report goes on to make the recommendation that there should be exploratory discussions

> "with a view towards assigning responsibility for both elections to one jurisdictional entity".

If the elections are to be decoupled, those circumstances will change. I am happy to have those discussions, but we should recognise that if other recommendations of the report are accepted, they will change the environment. If the hon. Gentleman is arguing for it, he must argue from the evidence in the report, which is small, easily accessible and able to be understood.

Dr. Gavin Strang (Edinburgh, East) (Lab): Is my right hon. Friend aware that the Edinburgh, East and Musselburgh Scottish parliamentary constituency had the highest number of spoiled constituency ballot papers? I thank him for his constructive response to the workmanlike report from Ron Gould. Will he confirm that not only that report but the Arbuthnott report recommended that the elections to local authorities in Scotland and to the Scottish Parliament should be held separately, so the Scottish Executive certainly needs to give that careful consideration? Finally, may I thank my right hon. Friend for pointing out that for the Scottish Parliament we do not need electronic counting of the ballots?

Des Browne: I welcome my right hon. Friend's contribution, and I can answer yes to all the questions that he poses. I was aware of the comparatively high number of spoiled ballot papers in the constituency that he identifies. No individual constituency is investigated in the Gould report, because the authors of the report determined that the parameters within which they would be working would not explore the outcome or validity of the election. I suspect that that is why they avoided the detailed consideration of any individual constituency. However, their interpretation of the reasons why there were so many spoiled ballot papers essentially comes down to the fact that the two ballots were combined on the one piece of paper, and confused the electorate.

Mr. Andrew Mackay (Bracknell) (Con): Just where is the Secretary of State's predecessor this afternoon? Why is he not at the Dispatch Box, apologising? How can he continue to be the Secretary of State for International Development, going round the third world lecturing on parliamentary democracy, when he has been caught with his hand in the till?

Des Browne: I entirely refute the claim that my right hon. Friend has been caught with his hand in the till. That is not what happened. *[Interruption.]* Hon. Members should read the whole report. There is, for example, a suggestion that parties' self-interest was served by holding a count overnight. How can that possibly be to the advantage of any individual party? It is perfectly clear that it was considered to be to the advantage of party politics, as opposed to the advantage of any party. I defy any hon. Member to explain how a count overnight could be in the interests of any individual party.

The right hon. Member for Bracknell (Mr. Mackay) asked where my right hon. Friend the Secretary of State for International Development is. The answer is that he is making his way back from the United States of America, where he was attending a meeting of the

World Bank, delivering a policy which all of us would wish him to continue to deliver, with the expertise that he has shown.

Mr. David Marshall (Glasgow, East) (Lab): In the local government elections, most of the spoiled votes were due to people marking their ballot paper with crosses instead of 1, 2 and 3. Does my right hon. Friend agree that there was nowhere near enough advance publicity regarding this vital change to the electoral process? Will he ensure that that does not happen in the future? Will he also reconsider his position in relation to electronic counting machines, and ensure that they, and DRS, never again play any part in any election?

Des Browne: There is a recommendation about education—and if the elections are decoupled, as we anticipate that they will be, it will be much easier to educate the electorate about an individual election in future. That is the responsibility of the devolved Administration. It will have to decide how that goes forward, and who, if anyone, it will contract with for electronic counting of ballot papers—if it agrees that that is necessary. For my part, I think that the decoupling of the elections of itself, and the recommendations of the report, makes it clear that there will be no necessity for electronic counting in elections, either for this Parliament or for the Scottish Parliament.

Angus Robertson (Moray) (SNP): I thank the Secretary of State for the advance copy of his statement and welcome the work of Ron Gould and his colleagues. On behalf of the Scottish National party, I particularly welcome the sensible suggestion that in future the management of the Scottish elections should be the Scottish Government's responsibility.

I hope that everybody in all parties agrees that the integrity and impartiality of the management of elections has to be uppermost among our responsibilities. In the case that we are discussing, that responsibility lay with the then Secretary of State for Scotland, who is not here, and the present-day Minister of State at the Scotland Office. We learn from the report—this is the crunch point in the exercise of ministerial office—that Labour Ministers

"frequently focused on partisan political interests...overlooking voter interests"

That is a scandal in a western European democracy. The charges are extremely serious—when will Ministers take responsibility and do the honourable thing by resigning?

Des Browne: I have already dealt with that issue. I repeat that I entirely refute the idea that my right hon. Friend or my hon. Friend acted as the hon. Gentleman describes. I pray in aid the whole report, and the explanation that Ron Gould himself gave to questions; I cannot answer for him, but I can refer to the answers that he gave. He takes the feet from the interpretation on which the hon. Gentleman relies. Given the constraints and circumstances of this opportunity in the House, it might behove the hon. Gentleman better to have accepted the obvious criticism, explicitly made, of how his party behaved in the elections; that might have given his position more credibility than it has.

John McFall (West Dunbartonshire) (Lab/Co-op): As one who was on the ground that day, I should say that we all let our constituents down, because there was a need for a more professional and better-informed public information campaign. That focuses on the work of the Electoral Commission; that issue has to be addressed, as well as the professionalism of returning officers. Whoever is First Minister—Alex Salmond or Donald Duck—clarity has to be brought to the list system, so that such situations do not happen again. Will the Secretary of State give me an assurance that the consultation process will be speedy, so that any recommendations that he accepts will be brought in well before the next election? The system could then be tried and tested, and our constituents will not suffer in the same way again.

Des Browne: I can give my right hon. Friend the assurance that he and the voters of Scotland expect—that this will not happen again. The report makes key recommendations; I expect that the Scottish Executive will act on at least one, and I will act on the others. The combined effect of the acceptance of those recommendations will ensure that such things do not happen again.

Other issues have been explored, of course. They may not have been directly responsible for what happened on 3 May, but the investigation has revealed a number of things that could be considerably improved. I have listed them, I accept that we will take them forward for discussion, and I have committed to doing some of them.

I do not speak for the Electoral Commission, but I understand that it has made it clear that it will learn lessons, which I am sure will relate to voter identification. We will have to deal with the issue of clarity of party identification, given the report's analysis of its effect. I agree with my right hon. Friend that the report has criticisms of all those involved in the political process; frankly, a mature approach requires all parties to accept that.

Mrs. Eleanor Laing (Epping Forest) (Con): Some of us in this House believe that the position of Secretary of State for Scotland is an important, honourable and ancient one. Is not this debacle—this tragedy for democracy—evidence that the Prime Minister, and the previous Prime Minister, has shown little regard for the people of Scotland? Indeed, it is an insult to the people of Scotland that the position of Secretary of State for Scotland should be tagged on to the position of another Secretary of State within the Cabinet. However capable the right hon. Gentleman and his predecessor, who is now Secretary of State for International Development, might personally be, it is obvious from the debacle that we see before us that one person cannot carry out both of those onerous duties. Will the right hon. Gentleman take the message to the Prime Minister that this House believes that not having a full-time Secretary of State for Scotland is an insult to the people of Scotland?

Des Browne: The hon. Lady brings a degree of personal knowledge of such conflicts to the question, as at one stage she was shadow Secretary of State for Scotland, although at the time she represented an

[Andrew Stunell]

distinction that, as he had his coat on and was outside the door, he was in the clear, whereas if he had been in the lobby without his coat on, he would not have been in the clear. One can argue about that interpretation, but it has led to the introduction of the concept of whether someone is wearing their overcoat determining that they are on duty or on private business. I welcome the fact that the phraseology now narrows the provisions, so that only those things that are criminal offences when someone has their overcoat on will come to light.

I mentioned smoking. I do not smoke, so it is not a problem for me, but it would be a brave Member of the House who said that they had not done anything in even the past six months that, had they been in the wrong place at the wrong time, might have resulted in their being charged. Let us take speeding as an example of that. Although we have superficially restricted what can happen to people when they have got their overcoat on, the fact is that most local government councillors could be sent to the Standards Board for at least one thing every month. Therefore, the changes do not necessarily restrict things as much as the Minister would hold out. I hope, therefore, that the Minister will respond positively to what the hon. Member for North-East Bedfordshire (Alistair Burt) has said about putting on record the Government's intentions on how the code should be drafted and, more importantly, how it should be applied.

It emerged clearly during earlier stages of the Bill that the content of the code was only part of the problem, and that another part was how the code should be interpreted. The reality at local government level is that monitoring officers on local authorities give members advice, and that cautious members go to those officers and say, "I think this is all right, but do you think it really is?" Almost without exception, the monitoring officer will say, "No, it isn't." They employ the insurance principle: if someone asks whether it is safe to do something, the best thing to do is to say no.

We have consequently seen a progressive shrinking of the amount of discretion that local authority members have over their conduct, and increasing conservatism—with a small c—about how the code should be implemented. That has undermined the credibility of the code and of the Standards Board. It would be good to feel that the provisions that we are considering would reverse that and restore the credibility of the board, but it will take some talking by the Minister to persuade me that we have achieved that.

So far, I have been talking about matters that relate to the overcoat issue: to what degree is a local councillor at risk when they have their overcoat on? However, there are also important questions relating to what they may and may not do when they are not wearing their overcoat—that is, when they are acting as a local government councillor. On Report, I drew attention to the fact that the Government intend, via other legislation, to give local communities more say in the planning process. That is quite explicit in their planning White Paper and I understand that it will be reflected in the legislation to follow. There will be a requirement specifically to solicit the views of local communities; developers will apparently have a duty placed on them to solicit views in that way.

If we are not careful, we could find ourselves in the absurd position in which everyone could take part in a consultation on a projected planning application except elected local councillors. The present interpretation of the code is that local councillors may not participate, advocate or campaign in respect of any planning application that has been submitted to their authority. Of course, there are various elaborate charades that people can go through to get round that, but when I served on a planning committee 20 years ago, it was not seen as out of place for a local councillor to say, "I am opposed to this, and I shall go to the committee to say so", or for them to go to the committee, or for them to vote against an application. Nowadays, a councillor would go to prison for doing that. That is an absurd situation for local authority representatives to find themselves in.

Frank Dobson (Holborn and St. Pancras) (Lab): Quite right!

Andrew Stunell: I am delighted to receive an endorsement from that slightly unexpected quarter.

It would be good to hear from the Minister a clear exposition of the part that local representatives will play in the Government's projected planning legislation and the additional functions that are to be placed on the local community. Will he acknowledge that, when that legislation comes along, this Bill will require further amendment to make it explicit that elected local authority representatives are not only allowed but expected to play a strong, active part in the process? We need to restore to them the power to represent their local community that most of us believe they should always have had.

Clause 184 is now far better than it was. On the face of it, it makes the overcoat issue less serious. I do not believe, however, that it will limit action to the off-duty councillor in quite the way that the Minister has explained. As for on-duty councillors, it still leaves open the central question of whether they will be allowed to represent their local communities when and where it really matters, or whether they will be muffled and gagged as current practice dictates they should be.

5.30 pm

John Healey: The hon. Member for Hazel Grove (Andrew Stunell) recognised that some of his questions would be matters for the planning legislation with which he and I may deal together. I am sure that we will return to them.

The hon. Gentleman was anxious for members to be able to act in their community representative role. He will know that the code of conduct issued in April this year allows councillors to make representations on planning matters on behalf of their communities even when there is what might be termed a prejudicial interest, which I think constitutes a step forward. Both he and the hon. Member for North-East Bedfordshire (Alistair Burt) have described the issues covered by the amendments as incredibly complex, but I am glad that he thinks the position is better than it was.

As the hon. Member for North-East Bedfordshire said, the code prescribes conduct in a member's private capacity where it constitutes a criminal offence for which the member has been convicted. According to legal advice that we have received, that wording is not appropriate, particularly for the purposes of what we want to achieve in the Bill. Let me try to explain why.

Because of the way in which the ethical regime for councillors is constructed, the code of conduct applies to members performing their role—that is, acting in their official role or in their private capacity. That means that it is impossible for any conduct to be confirmed as criminal at the time when it took place. A member who has been accused, for instance, of an offence relating to child pornography cannot have been convicted of the offence at the time of its commission. Therefore—according to our legal advice—reference in the Bill to conduct for which the member has been convicted would not be workable.

We have given assurances that the regime we are imposing will rely on the usual criminal process to determine whether a criminal offence has been committed. It will neither create a new offence in respect of members' private behaviour nor create a new mechanism for judging whether or not an offence has been committed.

Let me say for purposes of clarity and confirmation that we do not intend to allow trivial and vexatious offences to be caught by the Bill. We intend to avoid that by means of regulation for which the Bill provides, and on which we will consult fully to help us get it right.

Alistair Burt: Would it be possible to place in the Library a copy of the legal advice on the first point that we discussed—the reason for which the Bill cannot include the requirement for a conviction? Will the Minister consider whether that would be possible, and write to me?

John Healey: I will not give the hon. Gentleman a commitment to make the legal advice available, but I will give him a commitment to write to him and explain the terms of the advice and its implications, which, owing to time pressures, I have tried to summarise in a fairly succinct way today.

Lords amendment agreed to.

Lords amendments Nos. 160 to 174 agreed to.

Clause 222

HEALTH SERVICES AND SOCIAL SERVICES: LOCAL INVOLVEMENT NETWORKS

Lords amendment: No. 175.

John Healey: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to consider Lords amendments Nos. 176 to 201.

John Healey: We turn to the last group of amendments, which address part 14 of the Bill. They deal with patient and public involvement in health. I welcome the hon. Member for Eddisbury (Mr. O'Brien), who speaks on health for the Conservatives, to the Opposition Front Bench for this debate.

As expected, throughout every stage of the Bill's passage through this House and the other place this part of the Bill has come under considerable scrutiny. It has generated considerable debate and as a result we have made a number of important improvements. Let me briefly run through the main changes to the Bill since it left this House.

First, we have drafted amendments to include a specific provision that ensures that local involvement networks may co-operate on a local, regional and national basis as a means of undertaking their core activities, if they choose. Secondly, we have drafted amendments that set out the specific purposes of LINks' monitoring and reviewing of local care services. Thirdly, we have drafted amendments that provide that the regulations imposing a duty on services providers to allow authorised representatives of LINks to enter and view their premises may limit the duty so that authorised representatives do not have access to certain premises and to the viewing of certain activities.

Fourthly, we have changed the duty on English NHS bodies from that of making arrangements to "consult" users of health services to one of making arrangements for such people to be "involved"; the meaning of that should also be clarified. Fifthly, we have drafted amendments to lower the threshold for when the duty to make arrangements for involvement applies. Sixthly, we have drafted amendments to place a duty on the Secretary of State to make regulations imposing a duty on strategic health authorities to arrange to involve users of health services. Seventhly, we have drafted amendments to provide for the Secretary of State to make regulations allowing strategic health authorities to make directions to primary care trusts, which will avoid unnecessary duplication of involvement activities. Eighthly, we have drafted amendments to extend the duty to report on consultation to SHAs. Ninthly, we have drafted amendments to exclude NHS bodies from being hosts of LINks, to avoid the potential for conflicts of interest. Tenthly, we have drafted amendments to ensure that transitional arrangements are put in place where local authorities have not been able to establish their LINk in time.

I hope that Members accept that the changes are significant and that they are all improvements. They have broadly been welcomed, and I commend them to the House.

Mr. Stephen O'Brien (Eddisbury) (Con): The official Opposition welcome part 14 as so well amended in the other place. Lords amendments Nos. 175 to 201 to clauses 222 to 233 go a considerable way towards making LINks effective in the Government's terms. Conservative and Liberal Democrat Lords have significantly improved the Bill. Notwithstanding that, LINks remain a poor shadow of PPI—patient and public involvement—forums and community health councils, and we still do not have patient representation as we once did.

I pay warm tribute to my noble Friend Earl Howe for his dedicated, relentless and ever courteous work on the Bill in the other place and for the concessions he extracted from the Government—it is fair to say that at

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times he forced them, albeit only by force of argument—with the support of Liberal Democrat peers, notably Baroness Neuberger in respect of part 14.

I also want to pay tribute to my hon. Friend the Member for Billericay (Mr. Baron), who so ably took this Bill through its Commons stages for our party. Its final, better shape is due in no small part to his energy, arguments and sincerity and the breadth and depth of contacts with patients and representative groups, to whom he listened carefully, and whose views on improvements he reflected in his considered approach. It would have been nice if the Government, under the Minister's predecessor, had listened a little earlier in the process. However, from that responsibility the current Minister is unquestionably absolved.

It is important to note in addressing this group of health-related amendments the unfortunate approach that the Department took—under previous management—in sitting for so long on the responses to their consultation on the abolition of patient and public involvement forums. The wisdom of many PPI volunteers might have been woven into the Bill at an earlier stage, had the Government not sought to silence dissent in this manner.

Of course, the Government are no strangers to quashing consultation, in the form of turning down the volume on patient and public involvement. Members will recall the three-page personal apology that I received from the then Prime Minister in 2000, when the axing of community health councils—on the basis of a consultation that, in effect, never happened—was announced in the NHS plan issued on the last day before the summer recess. Our subsequent campaign secured a year's stay of execution, which was vital in forcing the Government not to throw out the experience and expertise of the excellent volunteers dedicated to so many high-performing CHCs. That is an important point in the context of the transitional arrangements that we have just agreed to, in the form of key amendments from the other place.

Tom Levitt: The hon. Gentleman is right to give credit to those who have contributed so much through CHCs and then PPI forums. However, does he accept that not every CHC was equally good, that they lacked coherence, and that there was a lack of scrutiny of operation? Today, the circumstances are different. Local authorities have a much improved scrutiny role, and there is a big grey area between health and social services and health care in general that needs to be subjected to that scrutiny. That is why things had to change, and the Bill now includes a mechanism to ensure higher standards of scrutiny across the board.

Mr. O'Brien: I accept that, as one might expect, the performance of CHCs was patchy, but the vast majority performed very well with well-qualified, well-trained and experienced people. Of course, there were exceptions to that rule. I will address a little later the national link—and, therefore, the national voice—that can be effective in helping to improve health care.

It remains unfortunate that the Government decided to introduce these provisions in a portmanteau Bill, rather than in a Bill specifically sponsored by Health Ministers. Conservative shadow Health Ministers here and in the other place have achieved much in making this Bill workable, but we might have had a more effective discussion of the arguments at stake if the Bill had had a pure health and patient focus. I must put on the record that our support for these amendments is also without prejudice to our NHS autonomy and accountability Bill. In keeping with our commitment to avoiding organisational upheaval, we would not abolish LINks, but we would seek to give them enhanced inspection powers and independence from local authorities. The Bill as amended gives them their own budgets, which is a step in the right direction, but not enough.

The amendment to clause 223 on co-operation between LINks is a welcome concession from the Government. Although it does not establish a national voice—to return to the point made by the hon. Member for High Peak (Tom Levitt)—as robust as the Commission for Patient and Public Involvement in Health, or the health watch body that we will seek to establish through our NHS autonomy and accountability Bill, the Government's recognition that an exclusively local voice is simply not effective is welcome. We wait, however, to see whether this amounts to anything in reality. We lost something of a national voice when we lost CHCs, and I share the hon. Gentleman's hope that that absence will be addressed. We have searched in vain in any of the Government's more recent pronouncements—not least the new health and social care regulations, announced by the Secretary of State today—for comfort that such a move will happen. We had hoped that he would remind us how wonderful it would be to have some scrutiny that was independent from the national health service. All of us remember the wonderful work done by CHCs when they produced important and influential national reports, such as the one on bedwatch.

5.45 pm

I would also like to draw the House's attention to the new clauses inserted after clauses 223 and 227. The former makes provisions for governance of LINks and the latter for transitional arrangements to cover the period between the abolition of PPI forums and the establishment of LINks. I am grateful to the Under-Secretary of State for Health, the hon. Member for Brentford and Isleworth (Ann Keen), who met my noble Friend the Earl Howe and acceded to the force of his arguments on those points.

It was important to avoid the danger that LINks would simply be a collection of more random people who would volunteer, thus the amendment wrested from the Government was to ensure that the Bill defines a system of governance: decision making; representation; authority; bodies having their own budgets; and a commitment for regulations to be amended accordingly. Again, that does not go as far as we would have liked to establish true independence. Those who are feeling most vulnerable, who need support and scrutiny of how the health service works in their case, need to be able to trust the bodies. Independence invokes trust more readily than something that is not seen to be independent.

On the latter new clause on transitional arrangements, our concern remains that there are no provisions for ensuring that local authorities discharge their duty to put in place transitional arrangements. I would be grateful if the Minister could assure us that he will take personal responsibility for the provision of adequate scrutiny in the transitional period.

We have continuing reservations about the extent of the power and independence of LINks. We welcome part 14, as amended, and we of course congratulate my noble and hon. Friends on the important concessions that they have obtained from the Government. They were outlined in the Minister's statement, and it cannot be often that he has to list at least 10 amendments that have been the subject of considerable debate. It is important to recognise that we will continue in the next Session the debate about the accountability that will be the subject of the scrutiny apparatus for the NHS, and about how local government and people, particularly patients, are involved. That will be done through what we anticipate will be the health and social care Bill and our own NHS autonomy and accountability Bill. I confirm that, in the light of that, Conservative Members do not intend to divide the House, and we trust that this part of the Bill will speed on its journey.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Member for Eddisbury (Mr. O'Brien) referred to the scale and frequency of organisational change in the NHS and the damaging effect that it can have if it is done unnecessarily. My hon. Friend the Member for High Peak (Tom Levitt) was guilty of flawed logic when he talked about the replacement of the community health councils. Leicestershire's CHC was good and effective; it was widely understood, approachable and achieved a great deal. He suggested that the fact that not all CHCs were as good and effective was justification for the removal and replacement of all CHCs. I do not accept that for a moment. More should have been attempted to bring the quality of work of poor CHCs, as he would see it, up to a reasonable standard.

Tom Levitt: That was only one of the issues that I raised. More important is the fact that local authority involvement in social care is now totally integrated with health care. It is therefore important to have local authority input and a wider remit than the CHCs could have, along with the mechanism to ensure that such bodies are all of good quality.

David Taylor: There is more merit in that particular justification, but the first one that my hon. Friend chose to use was not especially strong. It is an approach that has been used elsewhere in Government: in the coerced stock transfer of council houses away from good housing authorities because a number of authorities have not been adequate in the past. The same also applied in relation to the PPI forums in Leicestershire, which followed the CHCs. They, too, were effective, well supported by volunteers and professionals. Over the years that they existed, they did an exceptionally good job. I have some contacts with key people at the head of those PPIs, some of whom are former work colleagues, and I do not accept that it was necessary to scrap them, but the Bill will do just that.

I have been fact finding about the attitude of the volunteers involved in the PPIs to see what they think of the Bill now it has reached the final leg of its passage through Parliament. There is good news for the Minister, and I know that he would expect that. The broad view is that the Lords have made some useful improvements in this section of the Bill, but I seek assurances from the Minister in three specific areas. If he is unable to respond immediately, because the information is not available or the time is not sufficient, I hope that he will write to me with the reassurances that I seek.

Firstly, because LINks are based on local authorities, there is a serious risk that the excellent work done by some of the PPIs—I instance an acute PPI forum, the foundation ones and those for mental health trusts—in Leicestershire, and no doubt elsewhere, will be diluted or lost in the creation of the LINks. I hope to hear more from the Minister about how he intends to ensure that LINks set up joint arrangements to maintain and enhance the work that has been so well received and of such a high standard in my area.

Secondly, the Bill is vague, perhaps inevitably so, on the membership of LINks. It would be impractical for that to continue for a lengthy period. Will the Minister say what the nature of the guidance will be to circumvent that problem? We cannot be certain that LINks, with their new membership, will be as effective as the bodies that they are replacing.

My third and final point is that various reassurances were given, and promises made, in the other place about how the governance of LINks will be robust and improved, and that firm guidance and detailed regulations will be provided to bring that about. I would like to know the Minister's intended approach to that and the proposed sequence of events.

We are on community health councils mark 2, to a certain extent, and no one wants LINks to be set up to fail. It is hugely important that they have the scrutiny role that their two predecessor organisations were designed to bring to the NHS, but much depends on the guidance and regulations. They will probably be floated in late on a Thursday evening and go undiscussed by the main Chamber, but we want to know what the Minister's approach will be and how he intends to avoid the risks and concerns to which I have briefly alluded.

Andrew Stunell: We welcome the 10 shuffling steps forward that the Minister has made on this issue. I also wish to record my thanks to Baroness Neuberger for the work that she and her team did in the other place in conjunction with other Members. It has been a sorry tale and, as has been said, hearts were broken when community health councils were abolished. As I recall, a sharp Labour rebellion led to the introduction of PPIs and all that went with them. They were a step down from CHCs, but not actual abolition. We now seem to have taken a further step away from that original concept. Perhaps the Government are now finishing the job that they could not get past their Back Benchers when they first got rid of CHCs.

Nevertheless, I recognise that the Government have acknowledged some of the weaknesses in their original proposal. In Committee, we discussed the problem that arises with tertiary medical facilities. I spoke about Manchester's Christie hospital, a specialist tertiary

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cancer hospital that would be beyond the reach of individual LINks that are pinned to local authorities' geographical areas. I take it that what the Minister is now saying about regional, sub-regional and national collaboration between LINks is designed to respond to that problem.

Subsequent to that discussion, I have received representations about how the north west ambulance service would be dealt with under the new system. Again, I hope that the Minister will have the opportunity to reassure the House that the Bill will respond to such problems.

There is a contrast between the Government's response to consultation on these proposals and their response to consultation on earlier parts of the Bill. In the earlier part of the Bill, they dismissed popular opinion in preference to what they considered to be professional insider opinion that knew what it was talking about. One can understand that argument even if one does not agree with it but, in respect of this part of the Bill, the Government have rejected the professional argument as well.

One has to wonder what the Government thought that they were doing when they brought the Bill forward in the first place. It was supposed to be based on the experience of those who know about monitoring and delivering health, but this proposal is a step away from that common-sense approach, not one towards it. If the Minister has the opportunity, I hope that he will let us know how the changes will improve the checking and inspection of NHS facilities—another issue that was strongly contested.

I conclude by saying that, overall, the Bill is better than what we started with. However, what we started with was so bad that no improvement could make it good.

Dr. Richard Taylor (Wyre Forest) (Ind): I welcome the changes that have been made, but still have two concerns. First, Lords amendments Nos. 181 and 182 deal with rights of access to LINks, and I hope that the process of authorisation will not be so difficult that it puts people off becoming members. Secondly, I am very worried that Lords amendment No. 182 appears to enable any care organisation that wants to to keep lay monitors out. An organisation like that could be precisely the one that needs a lay visit.

My other concerns have been outlined by the hon. Member for Eddisbury (Mr. O'Brien). The transition arrangements seem liable to leave a gap between the end of PCT forums and the beginning of effective LINks. I hope that that problem can be addressed. In my area, the PCT forum will go on working until the LINk is in place, but it will no longer have the powers that it has at present.

Tony Baldry (Banbury) (Con): Before the debate concludes, it should never be forgotten that what has happened—

It being four hours after the commencement of proceedings, MR. DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [this day].*

Lords amendment No. 175 agreed to.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of business to be concluded at that hour.*

Lords amendments No. 176 to 251 agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

TRANSPORT

That the draft Renewable Transport Fuel Obligations Order 2007, which was laid before this House on 9th October, be approved.—*[Mr. Watts.]*

The House divided: Ayes 287, Noes 155.

Division No. 219] **[5.59 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
Gibson, Dr. Ian
Gilroy, Linda

Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Sadiq Khan and Siobhain McDonagh

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael

Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Kawczynski, Daniel
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Randall, Mr. John
Rifkind, rh Sir Malcolm
Robertson, Hugh
Robertson, Mr. Laurence
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Richard Benyon and
Mr. John Baron

Question accordingly agreed to.

Mr. Deputy Speaker (Sir Michael Lord): With the leave of the House, I will put motions 7 to 10 together.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

POLICE

That the draft Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007, which was laid before this House on 8th October, be approved.

EXCISE

That the Gaming Duty (Additional Games) Order 2007 (S.I., 2007, No. 2910), dated 8th October 2007, a copy of which was laid before this House on 8th October, be approved.

VALUE ADDED TAX

That the Value Added Tax (Betting, Gaming and Lotteries) Order 2007 (S.I., 2007, No. 2163), dated 25th July 2007, a copy of which was laid before this House on 25th July, be approved.

That the Value Added Tax (Supply of Services) (Amendment) Order 2007 (S.I., 2007, No. 2173), dated 25th July 2007, a copy of which was laid before this House on 25th July, be approved.—*[Mr. Watts.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9), (European Standing Committees),

EU-AFRICA STRATEGIC PARTNERSHIP

That this House takes note of European Union Document No. 11326/07 and Addenda 1 and 2, Commission Communication: From Cairo to Lisbon—The EU-Africa Strategic Partnership; and welcomes the progress being made on development of the strategy in preparation for the December EU-Africa Summit.—*[Mr. Watts.]*

Question agreed to.

Mr. Eric Pickles (Brentwood and Ongar) (Con): On a point of order, Mr. Deputy Speaker. All the news agencies are alive with the news that there is disarray in government between Downing street and the Department for Environment, Food and Rural Affairs on the issue of charges for the collection and disposal of rubbish. That has considerable implications for local government finance. Have you received any indication of whether a Minister will make a statement to the House, whether the Government are abandoning their recycling targets, or whether they will seek another day on which to bury bad news?

Mr. Deputy Speaker: I have no notice that such a statement is planned.

Joseph Mendy

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watts.]*

6.14 pm

Frank Dobson (Holborn and St. Pancras) (Lab): Probably the most important function of a Member of Parliament is to try to right injustices that are done to any of our constituents. The injustice that I wish to highlight this evening concerns the extradition to Spain of my constituent, Joseph Mendy, under the provisions of the Extradition Act 2003.

The Act gave legal force to the European extradition warrant which, we were told, was intended to simplify and speed up—I emphasise speed up—the extradition of people accused of serious organised crime, such as terrorism, drug trafficking and people trafficking. I strongly supported such action to counter serious organised crime, but the application of the European extradition warrant to my constituent was wrong-headed, ludicrously disproportionate and vastly delayed, and led to serious injustice.

In November 2003, Joe Mendy, then aged 19, went on holiday with two friends to Fuerteventura in the Canary islands. On the second Friday of their stay, Joe Mendy was sitting by the hotel swimming pool when a number of Spanish police officers appeared and insisted that he accompany them to the hotel room that he was sharing with his friends. The police searched Joe Mendy, his two friends and their hotel room. They were taken to a police station, where they were charged with counterfeiting four €50 notes, one of which the police claimed had been passed in a bar and another in a shop. One note was in the possession of one of Joe Mendy's friends, and the other was found among other notes in a drawer in the hotel room.

All three young men were held in custody separately until the Sunday. Joe Mendy was asked repeatedly how and where he was printing counterfeit euro notes. The police checked whether Joe had paid with forged euros when he bought a watch. He had not. During this time the three young men were given only one bread roll and water, and were subject to racist abuse and told that things were made especially hard for black English in the Spanish criminal justice system—a threat borne out by events.

Joe Mendy and his two friends appeared in court on the following Monday and were told to report back to the court at 9 am the next morning. On returning to their hotel room, they found that most of their belongings had been stolen. None has been recovered. On returning to court on time the next day, they were told that they would be released, that they would hear further from the Spanish authorities and that, in the meantime, they could return to Britain. Their passports, after being copied, were returned to them. All this happened, I emphasise, in 2003.

Nothing more was heard by any of the young men until March this year, when officers from the Serious Organised Crime Agency in this country called at Joe Mendy's family home in Camden Town. Joe's mother explained that her son was living in Liverpool. The officers gave her their phone number, which she passed on to Joe, who telephoned the police and volunteered to return to London. The police did not get back to him, so he called again and was told that the police in Liverpool would be dealing with his case. The upshot was that on 28 March this year Joe Mendy was served a European arrest warrant, held in police cells in Liverpool overnight and brought to London in a police vehicle for a court appearance the next day.

Joe Mendy was then released on bail. He duly appealed against the extradition. As the Minister and the House know, this involves the UK courts doing nothing more than going through the motions, because there are virtually no grounds on which to challenge a European extradition warrant. At the court hearing on 3 July, the extradition was duly allowed to proceed. On 18 July, Joe Mendy went under his own steam to Heathrow to report to the UK police, who handed him over to the Spanish police, who accompanied him to Madrid.

At the subsequent court appearance in Madrid, Joe Mendy was denied bail on the bizarre grounds that he was a flight risk. By this time, the Spanish judicial holidays were commencing, so my innocent constituent of exemplary good character was held in the Spanish jail over the summer. During that time, Joe discovered that the Spanish authorities, despite knowing his UK address and the addresses of his two friends, had followed up the initial hearing in the Canary islands by writing to them all after they had returned to the UK—not at their home addresses, but at their hotel at Fuerteventura.

After spending almost two months on remand in the Spanish jail, Joe appeared before a Spanish judge on 15 September. His Spanish lawyer advised him that if he continued to plead not guilty, he was likely to be held in jail for at least a further year before his case came to trial. If, however, he pleaded guilty, he would, because of his exemplary record in Britain, get a suspended sentence and a small fine. Understandably in such dreadful circumstances, he pleaded guilty and got a two-year suspended sentence and a €600 fine. Joe Mendy was released and is now back in the United Kingdom.

All that happened despite the fact that he was never in possession of any forged euro notes and had no idea that any notes were forgeries. The outrage visited on Joe Mendy did not end there. He had won a place at Liverpool John Moores university, but could not take up his place this year because of delays resulting from his Spanish misadventure. Following representations from me, the university was prepared to allow Joe to start his course late and try to catch up, but Joe has accepted what I believe to be the sound advice of Professor Michael Brown, the university vice-chancellor, that it would be better for him to take up his place next year. The university has undertaken to provide Joe with advice and help in the meantime so that he hits the ground running in autumn 2008. The university thus qualifies as the only bit of officialdom to display some common sense and humanity in this case.

The treatment of Joe Mendy is a disgrace; it is exactly the sort of incident that brings European institutions into disrepute. Sending letters to the hotel instead of the home addresses reveals incompetent administrative procedures in the Spanish judicial system. Following its error, it resorted to the use of the European extradition warrant. However, not all the fault lies with the Spanish authorities—I have discovered that they issued the warrant

[Frank Dobson]

on 14 June 2004 and that an English-language version, of which I have a copy, has a date stamp showing that it was received by the UK central authority on 25 June 2004.

What happened to the warrant between June 2004 and March 2007? Was it mislaid? I would like to think that the Serious Organised Crime Agency was too busy on more important matters—it certainly should have been. Whatever the explanation, a three-year delay in the very procedure that was supposed to speed up extradition is surely unacceptable.

After the warrant was eventually served, the judge in Britain responded by deciding that a British citizen of exemplary character should be returned to Spain in July, despite it being known that the Spanish judicial holidays were coming up—meaning that Joe would probably have to stay in jail—and without recommending to her Spanish counterpart that Joe Mendy be granted bail in Spain. That was followed by a Spanish judge deciding that Joe Mendy was a flight risk, despite his never having displayed any such tendencies at any stage. That, in turn, was followed by Joe Mendy being pressured into pleading guilty by the prospect of a further period of a year on remand in a Spanish jail.

All that was over four 50 euro notes, none of which was found in his possession; all that was done under powers that this House granted to deal with serious organised crime that crosses international boundaries. I repeat: serious organised crime. That is made clear on the face of the warrant served on Joe Mendy. It lists 32 categories of crime it is intended to cover, including terrorism, trafficking in radioactive materials, sabotage, unlawful seizure of aircraft and ships, sexual exploitation of children, trafficking in drugs, trafficking in people and trafficking in weapons. It also includes hostage-taking, murder and laundering the proceeds of crime. I have to admit that it includes the counterfeiting of currency, including the euro, but did anyone seriously believe that it was intended to cover accusations relating to the innocent possession of four forged €50 notes?

Sadly, the law that we passed does not require the authorities to use their common sense or to have a sense of proportion. Having being passed by the House on the argument that it would speed up extradition, our law does not demand that the authorities proceed expeditiously. Instead, it demonstrably permits them to take nearly four years to crank up this draconian machinery. Have not the Spanish police and judiciary anything better to do? Was this the best use of Britain's Serious Organised Crime Agency? What happened was not a crime, was not serious, and most certainly was not organised.

If the Spanish and UK authorities were so keen on this extradition, what about the other two young men? Neither Joe Mendy nor I want them to be treated as badly as he has been treated, but someone must explain why he was singled out for special mistreatment. I hope that the Minister will be able to clear up with the Spanish and the UK authorities how and why this whole mess came about and get them to apologise for their mistakes. I also think that my constituent should be compensated for the injustices that have been done to him.

The catalogue of incompetence that I have outlined has caused great injustice to my constituent, Joe Mendy. More generally, it has cost British and Spanish taxpayers a fortune in money and diverted the efforts of police and others who should have had better things to do with their time. It has brought the European extradition warrant system into disrepute. I believe that this House should insist on a change in the procedures so that common sense and a sense of proportion are included in the process. Nothing less will do.

6.27 pm

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): I congratulate my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) on securing this debate and on his persistence and thoroughness in raising his constituent's concerns. He has been pursuing this matter for some time across a range of Government Departments and with the Spanish authorities. I am sure that he will understand that I cannot go into great detail about a specific case, but I feel that it would be useful to outline in the first instance the proceedings leading to the issuing of a European arrest warrant. I emphasise that, as I am sure that he appreciates, there is no involvement for the Home Secretary in European arrest warrant proceedings. An arrest warrant can be issued only by a recognised judicial authority, and the decision as to whether to order surrender is a matter for the courts in the country receiving it—in this case, the British courts.

Let me explain some of the background as to why we introduced the warrant in the first place, and then I will get on to some more specific issues. On 13 June 2002, the Council of the European Union agreed a framework decision on the European arrest warrant and the surrender procedures between member states. That was signed by the UK in July 2002, indicating that it would join the EU-wide simplified extradition procedure on 1 January 2004. The arrest warrant procedure has now been incorporated into UK domestic law under part 1 of the Extradition Act 2003, which came into force on 1 January 2004.

The European arrest warrant is a common warrant operated by all 27 member states of the EU, and Gibraltar. It applies to all crimes that are an offence in both the issuing and the receiving state that, under the law of the issuing state, attract a maximum sentence of at least a year's imprisonment. The idea is that it works to tackle more serious crimes. It also applies to offences that have attracted a four-month custodial sentence in cases where the fugitive has already been convicted.

The basic principle for the introduction of the warrant, on which we all agree—I know that my right hon. Friend agrees because of his support for it—is that criminals should not be able to evade justice just because they have crossed an international border. In this regard, it is worth highlighting that the European arrest warrant has been a success since its inception in 2004. I have figures that go up to the end of 2006, and during the intervening period, 261 people were surrendered from England and Wales to face trial in EU countries and, importantly, 149 people were returned from EU countries to England and Wales to face trial here.

My right hon. Friend asked whether a judge in this country could have advised a judge in Spain about the bail and other proceedings that might have taken place under the Spanish legal system. I am advised that it is not appropriate or legally possible for a UK judge to advise a foreign court that someone should be granted bail. There is no power to do so under the extradition rules.

For the EU member states, the European arrest warrant replaced the 1957 Council of Europe convention on extradition. All of the countries now applying the EAW were similarly not required to provide prima facie evidence when previous requests were made under the old regime. Under the mode of operation for the warrant, the correct place for consideration of evidence is the European country conducting the criminal trial. We have to have faith in our European partners, and there are safeguards in place to ensure that each European country has a proper legal and judicial process to take such decisions.

Before I go into detail about the exemptions that exist for European arrest warrants, I am sure that my right hon. Friend will allow me to digress for a moment to put on the record that Mr Mendy's case has not just attracted the attention of his Member of Parliament. It was the subject of an article on the website of Fair Trials Abroad. That article alleged that the Extradition Act 2003 is a rubber-stamping process that fails to protect Britons against potential human rights abuses. For the reassurance of the House and the country it is important that I categorically disagree with that assertion.

Anyone in the UK being sought for extradition to Spain, or any other part 1 territory in the EU, has his or her case examined by a district judge in this country. This is where the role of the British judiciary comes in because section 21 of the 2003 Act requires the district judge in the country of the person's origin—in this case the UK—to decide whether the person's extradition would be compatible with the convention rights within the meaning of the Human Rights Act 1998. If the judge decides that that extradition would not be compatible, he must order the person's discharge. Although that safeguard is rarely used, it is an important part of the procedure.

The application of the arrest warrants in all member states is monitored by the EU's multidisciplinary group on organised crime. Among other things, it looks at the issue of arrest warrants being used for apparently trivial offences. If my right hon. Friend has not already approached that group, he may be interested in raising this issue with it.

I can make general comments about the offences concerned, but I cannot comment on this particular case, which has been through the judicial process in Spain. As my right hon. Friend said, counterfeiting offences are not trivial. Counterfeiting is listed as one of the 32 more serious offences in respect of which the courts in the state receiving the European arrest warrant need not consider whether the offence is an offence in both jurisdictions. It is on the important list of offences that is being agreed across Europe so that we can tackle the most serious criminals. There was therefore no ground for challenging the arrest warrant on the basis of the charge sheet from the Spanish authorities.

There are ways in which to challenge the arrest warrant—my right hon. Friend outlined some of them but it is perhaps worth giving some of the headlines. There are bars to extradition, including double jeopardy, so someone cannot be extradited if he or she has already been tried for the offence for which the extradition is sought. There are also other considerations.

For example, if an arrest warrant was issued for the purpose of prosecuting or punishing on the ground of a person's race, religion, nationality, gender, sexual orientation or political opinions, the authority in the person's home country could rule that out. Passage of time, although not three years, could be relevant. The time is not set—it depends on the distance from the offence and whether a "reasonableness" argument can be made. A person cannot be arrested if it can conclusively be shown that he or she could not be guilty of an extradition offence because of his or her age when the alleged offence was committed. However, as Mr. Mendy was 19 at the time, that would not apply in his case.

My right hon. Friend mentioned hostage-taking considerations and other issues, which would not apply, so I shall not go into them. However, the human rights bar is also important. An extradition is barred if a judge decides that it would be incompatible with the person's convention rights under the Human Rights Act 1998. There is no suggestion that criteria were not satisfied in Mr. Mendy's case, but it is important to emphasise those important safeguards to make it clear that the European extradition warrant is not used willy-nilly but within proper judicial and legal procedures.

We have heard that Mr Mendy's case has been concluded and that he is back in the UK having received a suspended sentence. I am pleased to hear that he can now start at Liverpool university next year and begin to get his life back on track.

I understand from the Serious Organised Crime Agency, which is the receiving body for the European arrest warrants, that there is some confusion about whether a proper English translation was received in time. However, I am interested in my right hon. Friend's comments. He raised a serious issue about the receipt date of the European arrest warrant written in English. I shall investigate with SOCA—I have already asked officials to look into the matter—whether there are any general translation problems. All European arrest warrants have to be in the language of the receiving country in order to be expedited. It appears that we have slightly different information on the matter, so I promise to write to my right hon. Friend once a full investigation has been conducted.

Frank Dobson: I have in my hand a copy of the warrant, which was entered into the Spanish court on 7 May. It has a date stamp in the corner, which reads:

> "UK Central Authority European Arrest Warrant 1st copy"

with a date of 25 June. I know no Spanish and I can read every word because it is in what I recognise as the language that Shakespeare used.

Meg Hillier: I am grateful to my right hon. Friend for raising that because we need to get to the bottom of the procedure for when a warrant is received and what level of translation is expected. Perhaps we are setting the bar too high, but I do not want to speculate. I

[Meg Hillier]

promise my right hon. Friend that I will look into the matter and get him an answer from SOCA.

Mr. Eric Joyce (Falkirk) (Lab): I have listened to the debate and think that my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) made an interesting speech. I have never before written a letter to the Government and received the kind of response that I did when I wrote to my hon. Friend the Minister on a different matter, where the quality of advice that she had received from officials was such that she could not give me a response in a political context. I simply received a response in officialese. I have not made a comment like this in the House before, but listening to tonight's debate, I have to question the quality of advice that she is receiving from her officials—I see that she has officials with her tonight—which seems to be below the level that she should receive in order to respond to my right hon. Friend.

Meg Hillier: Officials cannot respond for themselves and it is not really appropriate for my hon. Friend to raise the point in that way. I have been in regular contact with my right hon. Friend the Member for Holborn and St. Pancras about the issue for the past week or so. I have explained that it is difficult to go into the ins and outs of a case that was tried in another country. Much of the detail of the case is a matter for the Spanish authorities, on which the Government cannot readily comment.

We as a Government rightly take seriously our responsibility to comply with international obligations to execute all extradition warrants as they come. Clearly there is some confusion about when and with whom the warrant arrived. I have been trying to get to the bottom of that for the past couple of days and I apologise that I do not have all the information before the House tonight. However, I thank my right hon. Friend for raising the case, which serves to highlight a number of important points. The European arrest warrant is generally being used properly and well. Obviously, however, there are issues in the case in question, which he has articulated clearly. I commit to continue to look into them and to write to him with answers on the outstanding issues on which I have been unable to receive answers for the House, for which I apologise.

Question put and agreed to.

Adjourned accordingly at nineteen minutes to Seven o'clock.

House of Commons

Thursday 25 October 2007

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Foot and Mouth Disease

1. **Sir Nicholas Winterton** (Macclesfield) (Con): What assessment he has made of the effectiveness of the Government's response to the recent outbreak of foot and mouth disease; and if he will make a statement. [160570]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): We put our contingency plan into operation as soon as there was confirmation of foot and mouth disease. Two and a half months on, it has been contained in a small part of the country. Nevertheless, we are committed to learning the lessons from this and all disease outbreaks, and we have therefore asked Dr. Iain Anderson, who conducted an inquiry into the 2001 outbreak, to chair a review.

Sir Nicholas Winterton: I am grateful to the Secretary of State for that rational and helpful reply. My constituency of Macclesfield is a predominantly livestock farming area. Livestock farmers have sustained huge losses. A little earlier this month, he announced a compensation package of £12.5 million. How widely do the Government anticipate that the package will be distributed? Will it adequately recompense livestock farmers throughout the United Kingdom for the huge losses that they have sustained?

Hilary Benn: I recognise the real difficulties that the livestock industry in particular is facing as a result of the outbreak, which could not have come at a worse time of year. The support that I announced to the House when we returned after the summer recess was for those who have been most adversely affected, who are, indeed, the hill farmers. As well as containing the disease with a view to eradicating it, we have tried throughout to get the market working again. In all parts of the country, except the remaining small risk area, all the restrictions that have been put in place domestically have now gone. The ones that remain are the result of the European Union rules, but we have already seen in the past two weeks a further easing of those restrictions to allow exports to resume. I am clear in my mind that the best thing that we can do is help the industry recover, but I know that it is going to be very tough and extremely difficult.

Mr. Ian Cawsey (Brigg and Goole) (Lab): In last week's debate on foot and mouth, I referred to the pig sector and the problems that the outbreak has caused for it. I asked for assistance for that sector, perhaps through storage aid or a sow disposal scheme. My hon. Friend the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Chatham and Aylesford (Jonathan Shaw), who responded to the debate, said that the team would be working closely with pig industry leaders to try to assist them. Can my right hon. Friend update the House on progress since?

Hilary Benn: I can tell my hon. Friend that that discussion with representatives of the pig industry and of all parts of the livestock industry has been a very strong feature of the way in which we have tried to handle the outbreak. A decision was taken on Monday at the Agriculture Council meeting to open a scheme for private storage in respect of pigs, following a request from Poland, which it made because of the difficulties that it is facing. I repeat what I said a moment ago. With the easing of restrictions and the lifting of all those put in place domestically, I hope that the industry will find that it now has the opportunity to recover, albeit that it will take time.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Following on from last week's debate on compensation and so on, may I press the right hon. Gentleman on one question? If the Agriculture Minister in Wales were to apply to the Treasury for special funding in these special circumstances, would the Secretary of State lend his weight to the application and support it?

Hilary Benn: As I told the House when I made the statement, it is open to each of us—I have to manage the cost of the schemes that I have put in place and the assistance that I have given in relation to England—and to the devolved Administrations to have that conversation if they wish. However, it is not unreasonable in the circumstances, given that we do not yet know what the full cost of the outbreak will be, for each of us to bear the costs for the time being of the schemes that we think are appropriate for the parts of the country for which we have responsibility. That is what I have done for England, and the Welsh Agriculture Minister has done the same in Wales, as have the Scottish Executive in Scotland.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): Is my right hon. Friend aware that this problem impacted even on largely industrial constituencies such as mine? The company Devro, which exports sausage skins to many parts of the world—Europe, Africa and so on—and has locations in both Moodiesburn and Bellshill, clearly needed certificates of clearance. His Department was enormously helpful. Given the horrendous demands that must have been placed on it, I want to take this opportunity to say thank you on the company's behalf.

Hilary Benn: I am grateful for my right hon. Friend's words. I take this opportunity to echo those thanks—to the Department officials, vets and animal health staff who have worked phenomenally hard in the past two and a half months to deal with the consequences. They have worked not only to contain the outbreak but to give every assistance to those caught up in it. The reopening of the meat product export market to the rest of Europe—exports to the rest of the world will take some time to resume—has probably been the most important step. Those exports are now gradually happening.

Tim Farron (Westmorland and Lonsdale) (LD): The hill farm allowance supplement is an average £850 for an individual farmer and the average hill farmer in my constituency has lost in the region of £10,000 to £20,000 in the past few weeks. Given that the Government are culpable for the outbreak, does the Secretary of State feel that the additional support that they have provided is sufficient?

Hilary Benn: I recognise that the support will not help to meet all the costs, but it is not this Government's policy—it has never been any Government's—to provide full compensation for economic loss.

Why did I take the decision to help hill farmers? I did that because, as was said a moment ago, hill farmers have faced the greatest difficulties as a result of what has happened. The £8.5 million will provide some additional assistance and, I hope, give hill farmers slightly more options, albeit in very difficult circumstances. We should recognise that the markets are operating again—that includes the resumption of exports to Europe—and that that has released the most important blockage that the hill farmers were facing.

Paddy Tipping (Sherwood) (Lab): The Secretary of State has just stressed the importance of learning from disease outbreaks. One of the lessons of the 2001 outbreak was that the decision to close the countryside to visitors led to enormous economic consequences. Does he understand that although farming is important, the value brought by people who visit rural communities and boost the rural economy is more significant?

Hilary Benn: They are both significant and both extremely important. My hon. Friend is absolutely right—we have sought to learn the lessons from 2001, which include the advice given by Dr. Iain Anderson. That is why he is entirely the right person to come back and say how we have all done on this occasion.

My hon. Friend is right to say that rural communities benefit enormously from such wider economic activity. We have handled the footpath closures in the protection zones correctly, but, like the industry more broadly, we have been clear about sending out the message that the countryside is open for business. It is important that people continue to enjoy the countryside and bring economic activity to it, to help those who would otherwise be affected in addition to the farmers, who have suffered so much.

Mr. Richard Bacon (South Norfolk) (Con): I telephoned a leading farmer the day after the foot and mouth outbreak was announced, and was surprised to find that I was the one informing him about it. Given that, for years, automatic electronic telephone calls have been used to sell financial services, when will the Department make sure that they—not only text messages—are used to give farmers the earliest possible information about notifiable disease emergencies?

Hilary Benn: We have been using both text messages and automated telephone messages. Furthermore, we have been delivering information packs to affected farmers in the protection zones. However, we have to recognise that the media are one way in which we all get our news; I would be surprised if many farmers in the country had not been aware, first, of the outbreak, and secondly, of the imposition of movement controls. We all have a part to play, and I pay tribute to the efforts not only of Department for Environment, Food and Rural Affairs staff but of the National Farmers Union and other organisations, including those representing different sectors. They played an important part in reinforcing the message to their members.

Mr. Roger Williams (Brecon and Radnorshire) (LD): At one stage of the outbreak, the chief veterinary officer declared that the UK was free of foot and mouth. If that had not happened, many of the hill farming industry's problems would not have occurred. Was that declaration made because the surveillance area was not great enough, and will the Government learn the lessons?

Hilary Benn: Of course we will reflect on the lessons. That is why we have been so quick to invite Dr. Anderson to establish the review. In my view, the decision taken on 8 September was absolutely right in the light of our knowledge at the time; it was a month and a bit since a case had been confirmed, and the decision was confirmed by the European Union, which looked at all the evidence.

Why was there the further case? As we now know from the epidemiological report, which we published at every stage, in the interests of openness, the animals on one of the premises—infected premises No. 5, as it is described—had had foot and mouth and the lesions were between three and four weeks old. That reinforces our point throughout that the first line of defence in overcoming the disease is farmers' vigilance. That case went undetected for whatever reason, and was therefore unreported. Had it been reported, the situation would have been different. Our decision at the time was right in the light of the evidence that we had.

Mr. James Paice (South-East Cambridgeshire) (Con): This outbreak has already, at the latest estimate, cost English farmers well over £100 million. Two weeks ago, as we heard, the Secretary of State announced a package of £12 million. On Monday this week, in a written answer, the Under-Secretary, the hon. Member for Chatham and Aylesford (Jonathan Shaw), told me that no conclusions had yet been reached on cost sharing or the estimate of the element of those costs falling to farmers. Will the Secretary of State confirm that the comprehensive spending review clearly states that an increased share of responsibility and cost-sharing will save DEFRA £121 million over three years, which is £40 million in extra costs to farmers each year—more than three times the package that he announced?

Hilary Benn: Yes, I am happy to confirm that that is the case. I will be frank with the hon. Gentleman—we need to change the system. There are already different approaches in relation to different parts of the livestock sector. The truth is that if one was designing a system from scratch today, it would not look like the system that we have; we all know that. The deal to be done is to give the livestock industry much greater say over how the controls on animal disease outbreaks affecting animals only—not zoonotic diseases because we, as the Government, have a public health interest—are applied and lifted. We have worked in partnership with the industry in dealing with this and in, in return for that, there should be recognition that the costs of dealing with preventing disease and coping with outbreaks should fall more upon the industry. I think that that is the right way to go. This is very difficult anyway—especially so in the circumstances that we have just been through—but dealing with these outbreaks over the past two and a half months has brought it home to me that we should have a different system, and that is what I want to try to get agreement on.

Flood Risk

2. **Mr. Graham Stuart** (Beverley and Holderness) (Con): What recent discussions he has had with the insurance industry on flood risk. [160571]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I am in regular contact, as are ministerial colleagues and officials, with the insurance industry and the Association of British Insurers. We are working together to ensure the continued widespread availability of flood insurance cover through the association's statement of principles.

Mr. Stuart: I thank the Minister for that answer. He will be aware that it is now estimated that more than £3 billion is to be paid out by the insurance industry. How can my constituents be sure of keeping their flood insurance cover when only just over 40 per cent. of flood defences are properly maintained by the Environment Agency and when the increase in flood defence spending by 2010-11 will return us only to the level that we were at in 2004, before this year's devastating floods? Can he give reassurance to my constituents and confirm that those in rural areas will not be neglected in order to put all the emphasis on urban areas?

Hilary Benn: The hon. Gentleman and I have discussed this issue so I am very aware of the impact that the flooding had on his constituents in Burstwick and Hedon. I would say to his constituents that the increase in funding that I announced at the beginning of July and the way in which that is going to be phased in between now and 2010-11 is a direct response to the requests that many people have made of us, including the Association of British Insurers. In June, it asked us to get up to £750 million a year by 2010-11; in fact, we are going to be spending £800 million a year by 2010-11. That is why, when I announced that figure, the ABI said that this was the news that homeowners had wanted to hear. I recognise that there has been a second round of flooding since then. I am very keen that we continue to work in partnership with the ABI as we significantly increase spending on flood defence, building on the doubling of investment over the past decade so that we can keep that statement of principles in place and therefore protect the hon. Gentleman's constituents.

Mr. David Kidney (Stafford) (Lab): Following this summer's flooding, my survey of 4,000 households in my constituency tells me that people would support my right hon. Friend's Department giving incentives to landowners to manage their land in ways that help to prevent floods—not just the normal daily work of keeping watercourses and gullies free from obstructions but proactively, for example, by creating new water meadows and other wetland. Will he change the conditions for the single payment and the schemes for stewardship of land in order to give that incentive to landowners?

Hilary Benn: My hon. Friend raises an interesting and important point. Of course, there is already land that naturally floods during the winter, but the problem for some of the farmers whom I met was that they did not expect it to flood in that way during the summer, so it came at a bad time of the year and affected their ability to get their crops out of the ground. Yes, the Environment Agency does need to consider all the ways in which we can accommodate astonishing flows of water of the kind that we saw in June and July.

It is debatable whether landowners have to be paid to do that because in the winter they provide such flood capacity naturally. However, one lesson that we have learned from all of this—Sir Michael Pitt will be drawing all of them together in his lessons-learned review—is that we have to look at the inter-relationship of the ways in which water can escape when we have the astonishing amount of rainfall that we experienced during the summer. If my hon. Friend has not already done so, he might like to pass on the result of his consultation to Sir Michael Pitt so that he can consider it in his review.

Mr. John Maples (Stratford-on-Avon) (Con): In my constituency, we have had two "one in 30 years" floods in nine years, and the last time 2,000 properties flooded. The owners of those properties are worried that they will not be able to get insurance in the future. I suggest two things that the Secretary of State could do to help. First, there are too many agencies with responsibilities for different parts of the problem. It would be helpful if he were to put the Environment Agency in some sort of overall co-ordinating role.

Secondly, if we are to do a proper cost-benefit analysis of the flood defences that we can afford and make sense of, we need a comprehensive survey of what could be done about each little bit of local flooding. I suggest that the Environment Agency should either do that, or commission someone to do it. Without it, we cannot make the decisions on whether particular flood defences are economically sensible.

Hilary Benn: Those are two good suggestions. We were already consulting on giving the Environment Agency such responsibility, particularly in relation to surface water flooding. The hon. Gentleman is right; a lot of disparate organisations have responsibility for different bits of the surface water drainage system. I want to take on board whatever Sir Michael Pitt has to say, but I am keen that we make progress on the matter, because it definitely reflects one of the lessons that we learned from the summer, particularly from what happened in Hull.

Secondly, the Environment Agency needs to look at the range of potential schemes, but even with the additional funding that we are putting in place, there has to be a system for deciding on prioritisation of where the money will be spent. The Environment Agency has already been reviewing the points system that it uses to weigh the different considerations in reaching a decision, which is a process that I support. We recognise that a decision will have to be taken to fund one thing rather than something else, but at least we have more money with which to take that decision than was the case in the past.

Martin Salter (Reading, West) (Lab): In addition to welcoming the sensible suggestions made by my hon. Friend the Member for Stafford (Mr. Kidney) about managing river valleys so that their uplands are not intensively farmed or left in a situation where flood water can rush down them, will the Secretary of State consider earmarking some of the welcome investment in flood relief and flood defence schemes for the overhauling of antiquated surface water drainage systems? They are not up to the job, and caused as many problems as flooding from river valleys itself.

Hilary Benn: Now that I have announced the phasing of the increase in funding over the next three years, the Environment Agency will be in a position to plan. It will need to talk to local authorities about surface water drainage. The truth about such drainage is that we have a system that was built between 100 and 150 years ago, at a time when people did not expect to have to cope with the amounts of water that we have recently seen. The second problem is that we have concreted, covered with tarmac and paved over a lot of the surface land in our towns and cities, so when it rains to such an extent, there are fewer places for the water to go. It is not soaked up by the ground that is already saturated. Those are some of the lessons we have to learn. It will be a combination of improving capacity and ensuring that new drainage is built to a higher specification than was the case in the past, but we need to ask what more we can do in towns and cities to improve capacity to enable water to run off when we have rain of that sort.

Martin Horwood (Cheltenham) (LD): I appreciate the Secretary of State's interest in the impact of flooding in Gloucestershire, and in my constituency in particular. There are two issues that I would like him to raise with the insurers. First, is it wise to keep building planned houses on areas that flooded in July, such as Leckhampton in my constituency? Will the homes built there be insurable at any economic premium? Secondly, will the insurers be able to expedite payments to small businesses affected by the flooding? Many of them are still waiting for compensation months later, with an obvious impact on their cash flow, their bank charges and the interest that they pay on their overdrafts.

Hilary Benn: On the second point, I am happy to pass on the hon. Gentleman's point to the industry. However, from my conversations with many people who were affected, including those in his constituency, and with hon. Members, it appears that the insurance industry responded well by and large in terms of sending assessors. I understand the point about payment; quite a lot has already been paid out.

On the first point, the hon. Gentleman knows that we have considerably strengthened the guidance in planning policy statement 25. We have given the Environment Agency, which is the expert on where there is a risk of flooding, a statutory right to be consulted. Ministers, of course, have a right to call in proposals. In the light of the strengthened guidance, it is a continuing responsibility on local authorities to ask themselves whether, if they intend to build on a flood plain, they can adequately defend against a risk that is increasing because the climate is changing. Approximately 2 million homes in the country are built on a flood plain. The building that we are in now is on a flood plain, but it has a defence. Local authorities must weigh that up when making decisions so that we do not add to the problems.

Miss Anne McIntosh (Vale of York) (Con): May I record my personal thanks to the Association of British Insurers, the managing director of which visited the Vale of York when it was flooded for the second time in 2005? Does the Secretary of State see fit to give an undertaking that water companies in future will be consulted on all new developments on the flood plain so that they can ascertain whether they should go ahead rather than being deemed fit simply to connect water and sewerage to new developments?

In reply to the question asked by my hon. Friend the Member for Stratford-on-Avon (Mr. Maples) about the involvement of too many bodies, the Secretary of State referred to predicting ways in which water will escape. Does he acknowledge that too many bodies are involved in mapping future flood risk? They include the Met Office, the Environment Agency, the ABI, individual insurance companies and district councils. Should not one body be made responsible for mapping possible future flood risk?

Hilary Benn: On the second point, there is a problem, especially in relation to surface water flooding. Although the Environment Agency maps for river flooding, it is hard, if not impossible, to predict where surface water flooding will occur because one has to know the volume of rain that will fall, exactly where it will fall and the gradient of the ground, and then assess the capacity of the drainage system. It is a problem, but I am sure that Sir Michael Pitt's review will consider it.

Water companies' interest is principally in the capacity to supply water to new developments. In the context of flood risk, the Environment Agency, to which we have given a statutory right to be consulted, is the body whose views we need to hear. However, all those matters should be considered because I am determined that we learn lessons so that we can do better in future.

Climate Change Bill

3. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): If he will make a statement on the Government's plans in relation to the Climate Change Bill. [160572]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): The Government's response to pre-legislative scrutiny and public consultation on the draft Climate Change Bill will be laid in Parliament shortly, ahead of its introduction in the forthcoming parliamentary Session.

Mr. Evennett: As climate change is one of the most important issues of our age, it is essential to set up a climate change committee that is independent of the Government. If the Government appoint the chairman and members of the committee, what criteria will be used? Will the Secretary of State guarantee that the committee will be independent?

Hilary Benn: I am happy to give the hon. Gentleman that assurance because the committee on climate change will be an important body, which will comprise people with the right expertise and skills. As he knows from the draft Climate Change Bill, it will have to take a range of considerations into account in advising the Government on the budgets and undertaking their other duties. If he will bear with us a little longer, he will see what happens. A genuine consultation has taken place—that is why I was strongly in favour of publishing the Bill in draft. The purpose of a consultation is to listen and respond to the arguments. I intend to do exactly that.

Rob Marris (Wolverhampton, South-West) (Lab): Some people are asking the Government to embrace a target of an 80 per cent. cut in CO_2 instead of the ambitious and laudable target of 60 per cent. Will my right hon. Friend assure me that he will resist the requests for 80 per cent., which could be perceived as posturing by today's politicians, who will not be active in 2050, and concentrate more than hitherto on tackling the effects of climate change? Will he strengthen that aspect of the Bill to ensure that the Government put in place further measures quickly to adapt to the climate change that we are already experiencing, such as the flooding that we have discussed? We have the crazy example of Wessex Water in 2000 asking Ofwat to install bigger pipes but not being allowed to do so.

Hilary Benn: The truth is that we have to do both. It is not a competition between mitigation and adaptation, because we are going to have to learn to live with the change in our climate that has already taken place, while we work as hard as we can to ensure that we avoid catastrophic further change, so I very much take the point about adaptation.

As for the figure for the reduction in carbon emissions that we need in the UK, the draft Bill talks about at least 60 per cent. My right hon. Friend the Prime Minister announced last month that we will ask the committee on climate change—the independent experts who will advise the Government—whether that target is strong enough in the light of the changing science. I am clear that that is absolutely the right thing to do, because as circumstances change and we have a greater understanding of what is happening, it is right to ask whether we need to change the policy and the approach that we take in response. That is a much better way of answering the question than plucking a figure out of the air.

Richard Ottaway (Croydon, South) (Con): How can the Secretary of State speak so freely about climate change when by any standard or test the Government are consistently failing their own targets?

Hilary Benn: With respect to the hon. Gentleman, I do not agree. First, if we take the commitment that we entered into in signing up to the Kyoto protocol—

Richard Ottaway: We?

Hilary Benn: Well, the UK signed up to it. Not only are we going to meet the commitments that we entered into but we are likely to meet nearly double those commitments. The UK is one of the few industrial countries in the world to do so. Can the hon. Gentleman name another country in the world that is about to put legislation before its Parliament that will put on the statute book a statutory commitment to reduce emissions in the way that we propose to do? Can he name another country in the world that has done more to argue the case for an international agreement as a successor to the Kyoto protocol? The answer is that he cannot do so. That is an indication of the seriousness with which the Government take the need to deal with climate change.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): The committee on climate change is an important part of the draft Climate Change Bill. When my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs gave evidence to the Joint Committee on the draft Climate Change Bill earlier this year, he indicated that the committee on climate change would be set up at an early date and that a shadow committee might even be set up in advance of the full legislation coming into force, so as to start work at an early stage. If the idea of setting up a shadow committee soon is not already in the Government's response to the Joint Committee's report, will the Secretary of State slip it into that response quickly and try to get the shadow committee set up soon?

Hilary Benn: Well, with a little patience my hon. Friend will see the answer, but of course we are determined to make that happen as quickly as possible.

Chris Huhne (Eastleigh) (LD): I received a rather alarming answer to a question that I put to the Department for Environment, Food and Rural Affairs, in which I asked whether the Climate Change Bill would require a lower level of emissions in the period 2008 to 2012 than in the preceding five years and whether the level for every future budget period would be set lower than that. The answer was extremely non-committal and simply said that the committee on climate change would advise the Government on the pathway. Can the Secretary of State seriously imagine circumstances in which the carbon emissions budget for 2008 to 2012 would actually be higher than the carbon emissions for the previous five years? Can he not also give a firm commitment that the committee on climate change will be asked to advise him on reductions in carbon emissions?

Hilary Benn: I am happy to give the hon. Gentleman that commitment. Of course the committee on climate change will advise on reductions in carbon emissions, because how else would we have any prospect of reaching a reduction of at least 60 per cent. by 2050? If he had listened to what I said in response to the hon. Member for Bexleyheath and Crayford (Mr. Evennett), he would know that the committee on climate change will be independent. He is asking us to do the committee's job for it, but I do not propose to do that. We are setting the framework. We are setting a clear target that we must achieve to reduce carbon emissions, but it is right and proper that the committee on climate change, in giving us advice on the first three five-year budgets, should be the body that advises us on what the pathways should be, and that is exactly what it will do.

Patrick Hall (Bedford) (Lab): On that very theme, my right hon. Friend will know that one of the key messages in the Stern review is that we must take strong early action to tackle climate change. As others have pointed out, because carbon dioxide lasts for about 100 or so years in the atmosphere, we must take early action to stop its accumulation, not just aim for a lower emission target in the future. Does my right hon. Friend agree and does he see the Bill as helping to address that through five-year carbon budgets?

Hilary Benn: I agree completely with my hon. Friend, which is why we are about to bring forward such a Bill and, indeed, to be the first country in the world to do so.

Mr. Peter Ainsworth (East Surrey) (Con): I am sure that the whole House will be intrigued to find out exactly what the Climate Change Bill contains when we finally get to see it. Recent reports that the Government are planning to abandon their commitment to the 2020 European target for renewable energy have again raised serious doubts over whether this Prime Minister takes climate change seriously at all. Will the Secretary of State take this opportunity categorically to state that the Government will not renege on their support for the European renewable energy target or are we looking yet again at a broken promise and another dumped target?

Hilary Benn: I simply ask the hon. Gentleman whether he listened to the Prime Minister's words in the House of Commons yesterday, where he expressed the Government's commitment to the target that we signed up to in the summer. The hon. Gentleman has heard it directly from the Prime Minister himself.

Waste Wood

4. **Dr. Alan Whitehead** (Southampton, Test) (Lab): If he will take steps to divert waste wood destined for landfill into the production of energy. [160573]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): Our top priority is to encourage prevention or re-use of waste wood, wherever possible. However, recent research has concluded that there are significant energy and carbon benefits from recovering energy from waste wood, compared with sending it to landfill, where most of it currently goes. DEFRA is taking forward a programme of work to develop energy markets for waste wood by addressing the informational and practical barriers to expansion.

Dr. Whitehead: I thank my hon. Friend for her reply. I am sure that she will recall the statement in "Climate Change the UK Programme 2006", suggesting that if waste wood that currently goes into landfill were diverted to use for fuel, that could account for more than 11 per cent. a year of the UK's carbon reduction targets. In that light, will she expedite and seek to achieve agreement on Environment Agency proposals for protocols on waste wood as a fuel resource?

Joan Ruddock: I am grateful to my hon. Friend for that question, but I am sorry to have to tell him that, because of the lack of agreement on suitable controls and standards, the Environment Agency and the industry have not been able to produce a protocol. However, it is not all bad news and we hope that the industry itself will make further progress on protocols. The Environment Agency issued new guidance on 3 October, confirming the deregulation of virgin timber. That means that producers will be able to recover and sell on virgin waste wood, such as off-cuts, shavings and sawdust and, of course, the production that comes from the management of forests. Those will be free from regulatory control. Clean and treated non-virgin timber will remain classified as waste and regulated as normal through exemptions and waste legislation.

Mr. Michael Jack (Fylde) (Con): The hon. Lady will understand that waste wood could be an important raw material source in the production of second-generation biofuels, whose importance becomes more apparent as we move towards the era of road transport fuels obligation and as we seek a solution to the food-fuel paradox. Not much seems to be happening in respect of developing second-generation biofuels in the UK, so will the Minister tell me what DEFRA is actually doing to take advantage of her own Government's assistance in this sector to see second generation become reality?

Joan Ruddock: DEFRA is dealing with the issue very actively. What is needed first is a collection of wood and other biodegradable materials such as food waste, all of which could be used for the production of renewable fuels, and that is being done in a number of ways. We have an infrastructure programme, research is taking place, and we have support from WRAP, the waste and resources action programme. There are a variety of ways in which we expect to be able to develop more infrastructure, because, following the collection of raw materials, the introduction of appropriate infrastructure is the key.

WRAP is working on developing markets. We are also renewing the renewables obligation, and considering the possibility of its operating under a banded system. Electricity generated from waste wood, for example, would be eligible for support under the obligation.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will my hon. Friend and Portcullis House neighbour accept an invitation to visit my constituency? It lies at the heart of the 200sq m national forest, where industries associated with waste wood are being developed at quite a rapid rate. If she does visit my constituency, will my hon. Friend visit Orchard primary school in Castle Donington—where I switched on a wood-pellet boiler some time ago—and observe the ways in which we can encourage public sector bodies such as schools, hospitals and police stations to install heating systems using materials of this kind?

Joan Ruddock: I should be very pleased to receive an invitation to visit my hon. Friend's constituency, if my diary permits such a visit.

Such schemes are important, and we expect both the private and the public sector to be increasingly prepared to use wood as fuel. At present 7.5 million tonnes of waste wood arise each year, of which the vast majority—6 million tonnes—is disposed of as landfill. If it could be used in the production of energy, that would be enormously beneficial.

My hon. Friend mentioned the forest in his area. The Forestry Commission has come up with an excellent plan in its wood fuel strategy for England, which it hopes will produce an additional 2 million tonnes of wood a year by 2020. It will be good-quality wood, and it will be possible to burn it and recover fuel very efficiently. It could supply 250,000 homes with energy.

Milk

5. **Mr. John Spellar** (Warley) (Lab): What his Department's policy is on the effects on the environment of the sale of fresh milk in the UK; and if he will make a statement. [160574]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): DEFRA is working collaboratively with all parts of the dairy supply chain to reduce the environmental impacts of the production and consumption of fresh liquid milk.

Mr. Spellar: The Minister will know of reports that civil servants proposed either to persuade or to coerce the British public to move away from fresh British milk towards UHT milk. Will he take this opportunity to inform us either that there was no truth in those stories, or that he has told the civil servants concerned to throw their proposals very firmly in the waste-paper bin?

Jonathan Shaw: I am grateful for the opportunity to answer my right hon. Friend's question. There was a discussion document about the proposal, but it is not Government policy, never has been and never will be. Reports suggested that we would force people to drink UHT milk—which is considerably inferior to the fresh milk produced by British farmers—but I can tell my right hon. Friend that the story was and is a load of old bullocks.

Bill Wiggin (Leominster) (Con): What is the cost of the product road-mapping? Would the money not be better spent on supporting the dairy sector, which has already been hit by bluetongue, foot and mouth and bovine tuberculosis? If refrigeration truly is an environmental problem, is the hon. Gentleman really going to be the Minister to tell people to drink their lager warm?

Jonathan Shaw: Not lager, not milk. No, I am not going to tell consumers to do that. However, we do need to examine the environmental impact of farming. We have worked with representatives of farmers' groups from across the industry, and we are very grateful for the hard work that they have put in. There has been a good collaboration between DEFRA and the industry, and we want that to continue. If we can identify costs—particularly energy costs—and savings, that will be good for not just the environment, but the farmer.

Climate Change

6. **Simon Hughes** (North Southwark and Bermondsey) (LD): If he will make a statement on progress towards a post-Kyoto global climate change agreement. [160575]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): We have already seen progress this year with several key meetings, including the G8 leaders summit, which sent a clear signal on the need to advance international negotiations on a post-2012 framework, and the UN Secretary-General's high level event last month. We look forward to Bali, where the aim must be to reach agreement on starting negotiations on a new framework.

Simon Hughes: I am grateful to the Secretary of State for that answer. Bali, a major international conference, is just six weeks away. Can he give an undertaking that the attitude of Her Majesty's Government will be that countries such as the United States, which contributes 22 per cent. of the carbon dioxide in the world, will be forced to be part of the next agreement, to sign up to it and then to deliver, and that President Bush will not be allowed to stall discussions and agreements until after he has left office, thus setting back progress considerably globally as well as in north America itself?

Hilary Benn: I cannot force, and the United Kingdom Government cannot force, any other country to do anything, but when I was in New York for the high level event, I said that a post-2012 agreement that does not include emissions from the largest economy in the world is not going to do the job. We all know that. The fact that the US Administration now recognise that there is a thing called climate change and have begun to talk about it, is welcome. What is striking about the US is the extent to which policy is being led by the states. Look at what is happening in California and in the eastern states, which are developing their own emission trading scheme. Understanding is increasing, and that is moving the politics. I do not think anyone at the Bali conference will be in any doubt that we have to start those negotiations, because we do not have much time left to sort this out.

Mr. Andy Reed (Loughborough) (Lab/Co-op): While it is welcome that the United States is starting to move in the right direction, what is the Secretary of State's assessment of the commitment of other leading industrial nations, for example, China and India, to post-2012 Kyoto agreements?

Hilary Benn: We are seeing movement—look at the recent announcement that Australia made. However, my hon. Friend draws attention to the other thing on which we have to make progress. If we look at the G77, the group of developing countries, we cannot credibly argue that China, which will shortly be the largest emitter in the world, if it is not already, although not in per capita terms, should be regarded as in the same position as Mali or Burkina Faso. That would hinder efforts to make progress. So far, the agreements have talked about common but differentiated commitments, but in the course of negotiations wewill have to come to a view, as countries develop economically, about what commitments it is reasonable for them to take on to contribute to dealing with the problem.

Even if the rich developed countries disappeared from the world tomorrow and took the emissions that we are currently producing with us, because of the concentration of carbon in the atmosphere and the rising carbon emissions in the developing world, it would be left to deal with the problem anyway. That makes the point that all of us have to play our part.

Gregory Barker (Bexhill and Battle) (Con): Britain has huge natural resources and financial and human capital to build the world's first low-carbon economy. Bali should be a key staging point on that mission, yet the global leadership we once exerted in those international forums is being undermined by the slow rate of genuine change and economic transformation at home. As the Secretary of State prepares for Bali, can he list any low carbon sectors or renewable technologies where the UK is now leading the world—not in their discovery or research, but in their commercialisation and market share?

Hilary Benn: I am very happy to give the hon. Gentleman some examples. We have just given the go ahead to what will be the world's largest offshore wind farm, the London Array. When it is completed, it will generate—*[Interruption.]* Well, we are getting on with it. When it is completed, it will generate enough electricity—*[Interruption.]* Having asked me the question, will he do me the courtesy of listening to the answer? It will generate enough electricity to power one in four homes in Greater London. That is what I call world leadership. We are undertaking a feasibility study of the Severn barrage, which could generate 5 per cent. of our electricity. Renewable electricity is set to increase threefold between now and 2015, and Ernst and Young, which does a renewable energy attractiveness survey, now ranks the UK equal second in the world behind only the United States. I would call that leadership.

Severn Barrage

7. **Jessica Morden** (Newport, East) (Lab): How the Government plan to ensure that the views of wildlife groups are taken into account when considering the possibility of a Severn barrage. [160576]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): The Government intend to carry out the feasibility study announced on 25 September in an open and transparent way. The issue of how we can best engage with all the interested groups, including wildlife non-governmental organisations, will be considered in the development of the communications element of the study.

Jessica Morden: The Newport wetlands wildlife reserve, the compensatory habitat for Cardiff bay, is in my constituency. I support the drive to harness tidal energy in the Severn, but will my hon. Friend ensure that the feasibility study is truly independent and open and examines all the options and impacts? Will she ensure that wildlife groups such as the Royal Society for the Protection of Birds and the Wildlife Trust are listened to and are part of a stakeholder group during the process?

Joan Ruddock: The feasibility study is at an early stage and the project organisation and Government arrangements are being developed and are subject to ministerial approval. The work plans for the various issues are also at an early stage and we had our first cross-departmental working group meeting on 18 October. The detailed communications plan is being developed to ensure that appropriate stakeholder communication and engagement take place in an effective and appropriate way and at the right time. I am not in a position at the moment to guarantee the specific involvement of groups in any particular way, but I can assure my hon. Friend of the group's openness, transparency and willingness to consult. I hope that she and organisations such as the RSPB and Friends of the Earth will acknowledge that the Government have a good track record in consulting NGOs.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Conviction Rates (Nottingham)

20. **Paddy Tipping** (Sherwood) (Lab): What the conviction rate is for cases involving (a) rape and (b) domestic violence in Nottinghamshire; and if she will make a statement. [160589]

The Solicitor-General (Vera Baird): During the year ending March 2007, a conviction was recorded in Nottinghamshire on Crown Prosecution Service figures in respect of 60.7 per cent. of all defendants whose case got as far as the CPS for an offence of rape, and in 59.5 per cent. in the cases of domestic violence. Nottinghamshire's outcome in cases of rape compared favourably with the national figure of 54.5 per cent, but in cases of domestic violence the conviction rate was short of the national figure of 65 per cent.

Paddy Tipping: Those are improving figures; congratulations to all involved. However, it remains the case that many women who appear before court feel that they are the accused rather than the victim. In that context, will my hon. and learned Friend look at the case about which I have just written to her concerning a constituent in Edwinstowe who has had that very experience?

The Solicitor-General: I certainly will and I have just received a letter from my hon. Friend about the case. He raises a problematic issue: the extent to which cross-examination should be allowed. Obviously, there must be a balance between the freedom for the defendant to test the case against him and his not being inappropriately oppressive and re-traumatising the victim. Judges and magistrates have a duty to control proceedings and to stop over-oppressive cross-examination. Our prosecutors now have a duty to do that as well. I will certainly look at the file about the case and I invite him to come and discuss it with me.

Inside Justice Week

21. **Natascha Engel** (North-East Derbyshire) (Lab): What role the Law Officers' Departments are taking in Inside Justice week. [160590]

23. **Mr. Jim McGovern** (Dundee, West) (Lab): What role the Law Officers' Departments are taking in Inside Justice week. [160592]

The Solicitor-General: Inside Justice week is being supported by all of the Departments that the Attorney-General and I run so we are all playing a busy part. It was the idea of the Attorney-General some four years ago and its aim is to open up the criminal justice system to the public through a themed week of events, media opportunities and public engagement.

Natascha Engel: How is my hon. and learned Friend planning to promote the workings of the justice system within schools for the benefit of children and young people during Inside Justice week?

The Solicitor-General: The Crown Prosecution Service does a lot of fairly regular work with schools: mock trials; talks on restorative justice; and work on domestic violence awareness. The Attorney-General will be starting the week at Deptford Green school. On Friday, I shall be going, at the request of the head teacher, Mr. Hobbs, to talk to children at the terrific Bydales sustainable technology college, which is in Marske in my constituency. I shall probably talk about the Middlesbrough community court.

Mr. McGovern: Inside Justice week offers a rare and perhaps even unique opportunity for young people to take a look inside the criminal justice system. Does the Solicitor-General agree that we should maximise the number of women participating in the numerous events taking place throughout the country to ensure that as many young women as possible are encouraged to consider a career in that system?

The Solicitor-General: My hon. Friend makes an important point, with which I thoroughly agree. The idea is to help young people in particular to understand that the criminal justice system is a part of keeping their neighbourhood safe, that justice is very important and is not a separate and arcane preserve, and that they have access to it, both if they need it for justice purposes and if they want to pursue a career in it.

David Howarth (Cambridge) (LD): I was slightly disappointed that the Solicitor-General did not specifically mention opening up the Attorney-General's own office as part of Inside Justice week, because a number of puzzles still exist about how the Department works. May I ask the Solicitor-General to clear up one particular puzzle? In February, the previous Attorney-General told the Select Committee on Constitutional Affairs that he would take independent counsel's advice on the cash-for-honours question and publish it. It turns out that neither of those things has been done. In the spirit of the openness of Inside Justice week, will she explain why?

The Solicitor-General: That is a remote link to Inside Justice week, if I may say so. I would not necessarily recommend opening up the Attorney-General's office in any physical sense, because people would probably find my neglected coffee cups there. I shall write to the hon. Gentleman about the issue that he raises, if there is anything to add to what he knows perfectly well.

Mr. David Winnick (Walsall, North) (Lab): I recognise that non-custodial sentences are often appropriate and, in certain circumstances, should be encouraged. My hon. and learned Friend was talking about justice a moment ago. What sort of justice is there when someone who was convicted of pushing and blinding a 96-year-old person did not receive a custodial sentence?

Mr. Speaker: Order. I let it slip with the hon. Member for Cambridge (David Howarth); we are not linking the question with specific cases, because that is not what it is about.

Mr. Dominic Grieve (Beaconsfield) (Con): May I first say that I welcome Inside Justice week and hope that it is a success? It looks, from the material that has been put out, that considerable emphasis has been placed on the role of the Attorney-General's office and the Crown Prosecution Service in supporting victims. May I also urge the Solicitor-General to draw attention in this week to the role of the CPS and the Attorney-General's office in preventing pointless prosecution? I am sure that she will agree that although they may be few in number, prosecutions of individuals for matters that are likely to appear trivial, for instance difficulties that teachers may have disciplining children or, indeed, people carrying out citizen's arrests, as in the Bridlington chip shop case, undermine confidence in the criminal justice system. If it could be seen that the CPS and the Attorney-General's guidelines ensured that prosecutions in such investigations were stopped at an early stage, a great deal of public reassurance would be derived.

The Solicitor-General: The hon. Gentleman makes a straightforward point—there must be balanced, good judgment, in accordance with the guidelines, about who to prosecute and who to forbear from prosecuting—

and I agree with him. Part of our task in Inside Justice week is to make clear the basis on which such decisions are being made.

Sexual Assault Referral Centres

22. **Julie Morgan** (Cardiff, North) (Lab): What steps sexual assault referral centres can take to support prosecutions for rape. [160591]

The Solicitor-General: There are now 18 sexual assault referral centres, with 18 more in development. They are usually joint projects between the police, the health services and the voluntary sector. They provide important early support and counselling for victims so that they are better able to be sustained to go through with any criminal prosecution and to give their best evidence in court.

Julie Morgan: I thank my hon. and learned Friend for that reply, and I am sure that she will be pleased to hear that building conversion work for the Cardiff centre will start next week. Is she aware that, since January, the women's safety unit in Cardiff has had 71 referrals of sexual assault, mainly rape? The unit has been able to offer help and support and to undertake the early evidence work, such as taking DNA samples. On the whole, the women involved do not want to go forward to prosecution, but that early work is done in case they change their minds. What more can the Government do to support that important work?

The Solicitor-General: My hon. Friend's city has a fine record of battling with issues of violence against women, and she has a fine record of championing these matters.

It is a great pleasure to hear that Cardiff's sexual assault referral centre will come on-stream soon. We must spread the best practice across every area, and ensure that there is good quality practice in the SARCs. However, in due course—and probably early next month—we will publish our response to the previous Solicitor-General's consultation document on what more we can do to improve the quality of justice for rape victims. We have made advances in domestic violence through training relevant agencies, and we consider that it may be desirable for juries to receive information about the psychological reactions of rape victims. We want to help dispel myths about rape, and we consider that that might be achieved through a neutral document or judge's statement. We will publish our response formally in a month or so, and that ought to be a considerable step towards ensuring better justice for the sort of women supported by SARCs across the country.

Governance of Britain

11.31 am

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): With permission, Mr. Speaker, I should like to make a statement about our programme of constitutional renewal. With this statement, three consultation documents are being published. The first, jointly by my right hon. Friends the Foreign and Defence Secretaries and myself, is in respect of parliamentary approval for war powers and treaties; the second, by me, is in respect of judicial appointments; and the third, by my right hon. Friend the Home Secretary, is in respect of protests in Parliament square. Copies of the documents are available in the Vote Office and on my Department's website.

In his statement to the House on 3 July to launch the Green Paper entitled "The Governance of Britain", my right hon. Friend the Prime Minister set out his vision of a renewed relationship between Government and citizen. Among other things, he identified 12 areas in which

> "the Prime Minister and Executive should surrender or limit their powers, the exclusive exercise of which by the Government should have no place in a modern democracy."—[*Official Report*, 3 July 2007; Vol. 462, c. 815.]

Two of the most important prerogative powers are the power to deploy the armed forces overseas and the power to commit the nation to international legal obligations through the ratification of treaties.

I turn first to war powers. On 15 May, the Government supported a motion in this House that declared that it was "inconceivable" that the precedents set in 2002 and 2003, when the Government sought the approval of this House for military action in Iraq, would not be followed in the future. The same motion called on the Government

> "to come forward with...detailed proposals"

on how that convention should be entrenched. Today's consultation paper therefore explores a range of options, each aimed at formalising Parliament's role. It suggests that that might be achieved through a convention or legislation, or a combination of both. The consultation paper discusses the critical issues that any system would have to accommodate. It is essential that any new arrangements should not damage morale or hinder us in meeting our international obligations. They should not inhibit operational flexibility and the need for secrecy, nor inhibit our need to act in emergencies. In addition, of course, no members of our armed forces should be placed under any legal liability as a result of any new arrangements.

The Government welcome views on how those objectives can best be achieved, and also on related questions. For instance, what is the role of the House of Lords in contributing to decisions by this place? How should we define "armed conflict" and "armed forces"? What information ought to be supplied to Parliament, and at what stage?

I turn now to the ratification of treaties, which is already subject to a parliamentary convention introduced—I am pleased to say—by the first Labour Government, in 1924. For the cognoscenti, it is known as the Ponsonby rule, after the man who introduced it. According to the convention, and with certain exceptions, the Government must lay a treaty as a Command Paper before Parliament for a minimum of 21 sitting days before ratification. It is then for Parliament to determine which treaties it wishes to debate.

The Government believe that there may be value in putting the convention on a statutory footing, to establish better Parliament's right to decide and to show that the actions of the Government are subject to the will of the people's representatives. The paper seeks views on how that can best be done, including on the detailed and important questions of exceptions to the existing convention, which include bilateral double taxation agreements, how a debate and vote on a treaty should be triggered, and how the 21-day period could be extended in special circumstances.

As Lord Chancellor, I am responsible for upholding and defending the independence and integrity of the judiciary, which is essential to the functioning of a free and democratic society. Our system of appointing judges must be, as I believe it is, wholly devoid of party politics; it must be transparent, accountable and capable of inspiring public confidence. Under the Constitutional Reform Act 2005, with the establishment of the Lord Chief Justice, not myself, as head of the judiciary, we have already made significant reforms to the way in which judges are appointed in England and Wales. The most fundamental was the creation of an independent Judicial Appointments Commission. The consultation paper published today outlines other possible options for additional reform, on which the Government would welcome views.

The final consultation document published today concerns protest in Parliament square. The framework in the Serious Organised Crime and Police Act 2005 in respect of such protests raised concerns from campaigners and other citizens and, separately, from Members of the House. The purpose of the consultation is to listen to those concerns and review the provisions, to see whether there is a better way to both uphold the right to protest and manage individual protest appropriately.

Holding the Government to account for the way in which they spend public money is one of the most important functions of the House. I and my colleagues pay tribute to the work of the Public Accounts Committee and the National Audit Office in supporting the House in that task. The House will be pleased to know that following a joint request to my right hon. Friend the Prime Minister from my right hon. Friend the Member for Swansea, West (Mr. Williams), the Father of the House, and the Chairman of the Public Accounts Committee, the hon. Member for Gainsborough (Mr. Leigh), space will be made available in the forthcoming constitutional reform Bill for any agreed changes to the governance of the National Audit Office emerging from the review that they have announced.

It is right to consider the circumstances in which we open up more information for debate before the House. Even in the most sensitive sphere—national security—where everyone agrees that some safeguards have to be in place to respect confidentiality, we should always consider where we can do more, so starting next month, the Government will publish annually, for parliamentary debate and public scrutiny, our national security strategy setting out for the British people the threats we face and the objectives we pursue.

[Mr. Jack Straw]

Additionally, new rules will govern a more open approach to the working of the Intelligence and Security Committee. My right hon. Friend the Prime Minister has agreed with the Chair of the ISC that Parliament should have a clear role in the appointment of members to the Committee. More details about the new rules and that role will be announced in due course.

In keeping with the Government's commitment to ensure that the public can access the information they need, my right hon. Friend the Prime Minister will make a speech later today announcing that we will not tighten the charging arrangements for freedom of information requests. A consultation on whether to extend the Freedom of Information Act to a range of organisations that perform public functions, although theoretically some of them may legally be in the private sector, and a review of the 30-year rule will be established.

These days, huge amounts of personal data are held by the public and private sector. The scale of those holdings has moved on significantly since the passage of the Data Protection Act 1998. My right hon. Friend the Prime Minister and I have therefore asked the Information Commissioner, Richard Thomas, and Professor Mark Walport, the director of the Wellcome Trust, to review the way in which we share and protect personal information in the public and private sector.

The freedom of the media to investigate and report is a key issue in the use of information. We consulted last year on restricting media access to the coroners' courts. In the light of the responses to that consultation, I can now confirm that we will not be proceeding with any proposals to limit such access.

Proposals to ban media payments to criminals have been under consideration for some time. None of us wants to see criminals profiting from publishing books about their crimes. While ensuring that the freedom of the press to investigate and report is maintained, we will bring forward proposals to make sure that criminals cannot benefit in that way.

As provisions in the Criminal Justice and Immigration Bill make clear, we are also concerned about the misuse of personal data. However, the new rules proposed in the Bill have raised concerns that they might impede legitimate investigative journalism, so the Information Commissioner, in consultation with the Press Complaints Commission, will produce clear guidance to ensure that rights to investigate are not impeded.

There is often a lack of clarity in the balance between an individual's freedom and the role of the state. My right hon. Friend the Home Secretary has been examining this issue in relation to existing police powers of entry to consider whether there should be a single readily understandable code. My right hon. Friend will widen the scope of the review to include all powers of entry available to other public authorities. She will also lead a consultative review to consider whether improved guidance is needed for police officers in the exercise of section 44 of the Terrorism Act 2000—stop-and-search powers—to ensure that trust is preserved in the use of the powers.

For the sake of completeness, may I tell the House that in respect of reform of the House of Lords, discussions are proceeding inside the all-party talks? We are arranging for two meetings of the working group before Christmas.

These consultation documents and the other measures are all in part concerned with the right to freedom of expression and its facilitation. The right is specifically protected by the Human Rights Act 1998, but it has existed in the UK for a very long time. Because of its fundamental importance in our democracy, I shall be considering how, as all future legislation is developed, it can be carefully audited for any explicit or unforeseen restrictions that that might unnecessarily place on that freedom of expression.

I hope and believe that the House will agree that the matters that I have raised go to the heart of exactly where power should lie in our country and how it should be exercised. We now look forward to hearing the views of both parliamentarians and citizens on the proposals. I commend the statement to the House.

Nick Herbert (Arundel and South Downs) (Con): I thank the Lord Chancellor for giving me a brief early sight of his statement and for the delivery of the documents to my office this morning. I congratulate him on pulling rank over his right hon. and learned Friend the deputy leader of the Labour party and the Leader of the House by making his statement ahead of the business statement.

The Lord Chancellor says that this is about changing how Britain is governed, and strengthening Parliament. Will he confirm that the Prime Minister will be making a speech shortly on the Human Rights Act outside the House, as has been widely reported in the press this morning, not least on the front page of *The Guardian*? The press has clearly been briefed. Will the Lord Chancellor tell the House how, when the Prime Minister makes such an important speech outside the House and prevents us from being able to debate it, that constitutes the strengthening of Parliament?

In our Opposition day debate on 15 May, we called for the strengthening of parliamentary approval of international treaties. Our democracy taskforce, chaired by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), proposed that international treaties be exempt from the royal prerogative, and be required to be laid before Parliament, together with an explanatory document. Why do the Government believe that statutory change is necessary, when a resolution of the House of Commons would be adequate? The consultation document says that proposals on parliamentary approval would relate to new international treaties, but what about existing ones? The House will have a chance to vote on the EU constitutional treaty, signed by the Prime Minister in Lisbon last week, but none the less it will not be put to a vote of the people. Is that the way to rebuild the public's trust?

Given the frequency of deployments and the controversy that that has created, there is growing consensus in this country that the decision to go to war requires democratic legitimacy. We have already said that parliamentary assent, for example through a resolution of the House of Commons, should be required to commit troops to war, international armed conflict or peacekeeping activity. We favour that being done through the development of a parliamentary convention. The consultation paper proposes that, apart from informing the House, there be no requirement for any further parliamentary procedure, but if the Government really want to strengthen Parliament, should not the House be able to have a decisive say if the Government make a wrong call? Of course there are serious issues relating to the potential for a negative vote when troops are already in the field, but there should be no blank cheque. In matters as critical as a major deployment in an emergency, why should there not be an opportunity for retrospective approval, not just an obligation for the Prime Minister to inform Parliament?

It is right that the House should vote before troops are committed to military action overseas, but we had a vote when the war in Iraq was declared, and the House was not given a full and accurate account of the position. Does the Lord Chancellor not appreciate that what has caused a haemorrhaging of public trust in Government is not the failure to give Parliament a vote—there was a vote—but the fact that the Government for whom he was Foreign Secretary misled the public on the issue?

We welcome moves to strengthen the Intelligence and Security Committee—but will the Lord Chancellor confirm that appointments to the Committee will not be in the gift of the Government Whips?

We welcome the measures to allow protests around Parliament. Indeed, when the reprehensible legislation on the subject was passed, I said that it was more appropriate to Tiananmen square than to Parliament square. *[Interruption.]* Will the Lord Chancellor explain exactly how such a flagrant attack on freedom of expression was not found to be incompatible with the Human Rights Act 1998? Was that not an example of the way in which the Act interferes with our ability to deal with terrorists and serious criminals, but fails to protect essential civil liberties? *[Interruption.]*

Mr. Speaker: Order. I must call on the Front Benchers. It is unfair; the hon. Gentleman is asking questions. I asked for temperate language yesterday. I also asked for silence, and that is what I am looking for.

Nick Herbert: It is unfortunate that the Government find themselves trying to ensure greater independence in the appointment of judges, as only recently they have done far more to threaten the independence of the judiciary by forcing judges, without prior consultation and still without their agreement, into a Department where their budget is imperilled by the prisons crisis. Will the Lord Chancellor tell the House when he will be able to make a statement on negotiations with the judiciary to protect their independence in the new Ministry of Justice? We welcome measures to limit political involvement in judicial appointments. Does the Secretary of State for Justice now accept that ensuring judicial independence is far more important than gestures such as moving the judiciary to a different building on the other side of Parliament square? The Government now admit that that will cost more than £100 million to set up, and £12.3 million a year to run, although the current arrangements cost virtually nothing.

Independence is not the only principle that guides judicial appointments. It is quite right that judges should have to be competent, diligent and people of the utmost integrity. Above all, as the consultation paper says:

> "Linked to independence is the principle that judges should be appointed on merit."

How does the Lord Chancellor reconcile that principle with the commitment to ensuring that judges are drawn from diverse communities? Can he rule out any suggestion of any kind of quotas or positive discrimination in judicial appointments?

All three of the consultative documents that the Government have published today are welcome, and we will engage fully in debate on them. "The Governance of Britain" Green Paper says that the Government want to forge a new relationship between Government and citizen, but does the Lord Chancellor not understand that there will be no such new relationship until trust is rebuilt? Talking about strengthening Parliament will count for nothing if Parliament is undermined, as it was when the Prime Minister cynically made his announcement of troop withdrawals to the press.

Talking about giving people more power will count for nothing if the Government put party interests ahead of voters' interests, as the Electoral Commission found that they did—

Mr. Speaker: Order. I called on Government Ministers to limit their statements to 10 minutes. That happened in this case, and I do not expect an Opposition spokesperson to go over the limit. The hon. Gentleman has used up his time, and I must stop him, because I have Back Benchers to call. That is important to me.

Mr. Straw: Let me try to deal briefly with those points. I regret the first point that the hon. Gentleman made about the order of the statements today. When I was Leader of the House, and in the case of every predecessor, there were a number of occasions when it was for the convenience of the House and colleagues that I, as Leader of the House, made my statement after a ministerial statement. I am grateful to my right hon. and learned Friend the Leader of the House on this occasion.

My right hon. Friend the Prime Minister is indeed making an important speech. My statement was intended to ensure that in advance of that speech, the House was informed of all substantive developments that he will speak about.

The fact that we are proposing a British Bill of Rights and responsibilities and developing such a Bill has been made very clear in the House on a number of occasions. When the consultative document, which I am currently working on, is ready to publish, it will be published first to the House.

The hon. Gentleman made some extraordinarily muddled comments about the ratification of treaties, and about war powers. I always do my best to ensure that Opposition spokespeople have documents like the ones under discussion as soon as possible. That I tried to do this morning. As for the European treaty, the

[Mr. Straw]

Ponsonby rule does not apply to that. Why? Because there is a far better procedure in respect of all EU treaties. They are the subject of line-by-line examination by a separate Bill.

On war powers, I do not know what the hon. Gentleman was going on about when he talked about retrospective approval. There are paragraphs in the document, as we have made clear, about where retrospective approval should apply, and how we could have retrospective approval without undermining the armed forces.

The hon. Gentleman also asked whether we should prevent recommendations for membership of the Intelligence and Security Committee from being influenced by the Government Whips. That is well above his pay grade and mine. If he is proposing that we get to a situation in which the Government Whips exert no influence whatever on the membership of Committees, I look forward to that time arriving—but I am not sure that that will be while he or I are in the House.

On protests about Parliament, I hope that, on reflection, the hon. Gentleman will recognise that references to Tiananmen square are completely misplaced. I heard the hon. Member for South Staffordshire (Sir Patrick Cormack) saying from a sedentary position, but not sotto voce, that what the hon. Gentleman said about that was rubbish. Provided that that is parliamentary, Mr. Speaker, I agree with it. I am making a serious point to the hon. Gentleman. People died in Tiananmen square. *[Interruption.]* His language was very intemperate indeed.

On the judiciary, again the hon. Gentleman was profoundly muddled. Nothing has been imperilled by the creation of the Ministry of Justice. The protection of the judiciary remains. I have made it clear that I have no intention of undermining its budget. The case for a supreme court has been widely supported across the country.

The hon. Gentleman's last point was extraordinary, suggesting that if we sought a more diverse judiciary, somehow it would be less well qualified. I hope that that is not the official position of the Opposition. The House has been strengthened by the introduction of more women and more black and Asian Members, and it will be more strengthened still by more women and black and Asian Members. Exactly the same applies to the judiciary.

Several hon. Members *rose*—

Mr. Speaker: Order. I am sorry to trouble the Secretary of State, but his Department has put out copies of the statement that are not complete. There are odd pages missing. Can that be rectified as soon as possible?

Mr. Straw: May I apologise for that? and I will ensure that it is rectified as soon as possible. I must add that in one passage in the middle of the statement, I busked.

Dr. Alan Whitehead (Southampton, Test) (Lab): I very much welcome the statement by my right hon. Friend and the documents that accompany it. One of those relates to changes in royal prerogative. Is it my right hon. Friend's intention to continue to review the question of the royal prerogative, particularly how Parliament uses it, or does he consider that the documents that we have this morning constitute that review?

Mr. Straw: The documents are part of the review of the royal prerogative. We have been much informed by the report of the Public Administration Committee of about three years ago, and we continue to examine other aspects of the royal prerogative.

May I also say that in response to the hon. Member for Arundel and South Downs, (Nick Herbert) I got one point wrong? The EU reform treaty will be subject to the Ponsonby rule, but in addition, it will be subject to detailed parliamentary scrutiny.

Mr. David Heath (Somerton and Frome) (LD): I, too, welcome the statement, and I would have welcomed early sight of the papers accompanying it. In his announcement today, the Lord Chancellor has given the strong impression that he is running to catch up with the statements of the Prime Minister outside the House. Nevertheless, I welcome many of the proposals in the statement.

The changes to the royal prerogative on war-making powers are long overdue. It is extremely pleasing to hear the support from the Government Benches and from the Conservatives for something that they flatly rejected when it was proposed by the right hon. Member for Birmingham, Ladywood (Clare Short) not long ago. Even with the provisos that were already in that Bill about morale, operational flexibility and legal liability, it seemed impossible for those on either Front Bench to support even the principle at that stage, so the conversion is welcome.

With reference to the royal prerogative on treaties, I invite the Lord Chancellor to provide a further gloss on what he said about European Union treaties. Where no change in domestic law is required by the treaty, it does not receive line-by-line scrutiny in the House. Some of us believe that any treaty should be subject to the oversight of the House.

On the independence of the judiciary, I welcome the discussion paper on separation of powers—almost, as it would seem, as an academic subject. The large number of examples from other jurisdictions have sparing relevance to our system, but if we can further cement the independence of the judiciary, that is extremely important. What new thinking is apparent on the Government's part since the last time we visited the issue? After all, we have only just put in place new provisions to strengthen the role of the Lord Chief Justice.

On the Serious Organised Crime and Police Act 2005, I note what the Lord Chancellor says about concerns among campaigners and other citizens, and we need to listen to those concerns. May I suggest an innovation to him: that this House actually listens to Members when they raise concerns in the context of the Bill? We fought every inch of the way on the provisions, because we knew exactly what the consequences would be. We would have welcomed the support of those on the Conservative Front Benches in both Houses all the way in arguing against those provisions, but unfortunately we did not receive it. We would apparently have received the support of the hon. Member for Arundel and South Downs (Nick Herbert) if he had been in the House at the time. His observations, presumably made in his bathroom at home, are extremely welcome in that respect. This legislation is working to suppress the right of free speech and demonstration, and if one wants illustration of that fact, one has only to look at the case of Maya Stevens or the march that took place only the other day with on-off permission from the Metropolitan Police Commissioner and the threat even to hon. Members of this House that they would not be able—

Mr. Speaker: Order. I thought that I left the stopwatch when I left Rolls-Royce, but I am on a stopwatch now. I must stop the hon. Gentleman, as he is over his time, and be fair to everyone concerned.

Mr. Straw: Let me just say in respect of the points raised by the hon. Gentleman that the EU treaty will be the subject of both the Ponsonby rule and line-by-line examination, because it does affect our domestic law. The European Communities Act 1972 requires that we examine such Acts in detail.

On the independence of the judiciary, I hope that the House will find international comparisons very interesting. When the document was originally drafted, it was short on discussion of the separation of powers, and it is important that we can put our system in the context of other comparable countries.

On protests around Parliament square, I understand the controversy and I hope that we can reach a better consensus than we have done before, but I say to the hon. Gentleman that it is not the case that the legislation has been working to "suppress protests". Notwithstanding that legislation, it is a fact to which I can bear testament that, compared with the time when I was organising quite a number of demonstrations in and around London as president of the National Union of Students, there is far greater freedom in practice to demonstrate around Parliament square while Parliament is sitting—and we still had quite a good time protesting.

On the last point about new thinking in respect of judicial appointments, I think that most of the arrangements set out in the 2005 Act will stand the test of time, but some may need changing.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I welcome the announcement that we will not restrict media access to coroners' courts, which will certainly be welcomed by Birmingham coroner's court, which has been arguing for that.

Without having had the benefit of reading the specific contents of the document, I wonder whether the Lord Chancellor can tell me whether he is also considering affirmation hearings on appointments, such as those of high commissioners and ambassadors, carried out by Select Committees, to strengthen accountability to Parliament.

Mr. Straw: We do not make specific proposals on that issue in these documents. There are proposals, which I discussed with the Liaison Committee not so long ago, for some pre-confirmation hearings in respect of a positions ombudsman, for example. So far there have been no proposals for pre-confirmation hearings in respect of ambassadors and high commissioners.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): I welcome the Government's acceptance of the Constitutional Affairs Committee's view that freedom of information should not be restricted by new charges and that confirmation hearings for judges would be a bad idea, but why does the consultation paper not take account of the wide extent to which judges, from the Lord Chief Justice down to local magistrates, now appear before the Committee and give valuable evidence? Why was it more urgent to revisit a judicial appointments system that has just been set up than to look at issues such as the post-devolution governance of England, on which the Committee will be taking hearings in the near future?

Mr. Straw: We look forward to hearing from the right hon. Gentleman's Select Committee; I think that he would have been complaining if we had pre-empted its sage consideration. As I discussed with his Committee, there are changes, albeit second-order changes, that need to be made in the appointment of the judiciary, not least to slim down the current statutory requirement on me for various decisions which neither I nor the Lord Chief Justice think are necessary.

Sir Patrick Cormack (South Staffordshire) (Con): Does the Lord Chancellor agree that there is all the difference in the world between orderly, peaceful protest in Parliament square, which all of us should uphold, and having a permanent, squalid encampment in Parliament square?

Mr. Straw: I agree with the hon. Gentleman that there is indeed a difference. Whether the provisions will continue to permit, one way or another, such encampments remains to be decided.

Fiona Mactaggart (Slough) (Lab): I welcome the Secretary of State's remarks about a more widely drawn judiciary, but I would like to focus my question on the proposals that he makes in relation to the intelligence and security strategy and the Intelligence and Security Committee. How can we ensure that Parliament focuses more carefully on these issues than it has to date? He is aware, as I am, that the debates are often poorly attended. Has he proposals to ensure better parliamentary scrutiny of these issues, on top of what we heard about in his brief statement?

Mr. Straw: My right hon. Friend the Prime Minister has made proposals for change, particularly to give, as it were, a greater impression of legitimacy to the people who serve on these committees. In my experience of appearing before the Intelligence and Security Committee over a nine-year period, it is in fact a very independent body of parliamentarians. We are ensuring that more information is made available, but ultimately it is for Members of this House to make better use, if I may say so, of the opportunities that are available, including a full day's debate each year, in respect of the ISC's work.

Mr. Edward Leigh (Gainsborough) (Con): Will the Secretary of State confirm that any proposed changes to the governance of the National Audit Office will be proceeded with on a cross-party basis, so that we can ensure the integrity and absolute independence of the Comptroller and Auditor General?

On the day when Sir John Bourn has announced his retirement from his post, may I thank him for 20 years' unstinting support of the Public Accounts Committee, which I think has ensured that we now have more effective oversight of public moneys than ever before in our history?

Mr. Straw: I want to endorse the hon. Gentleman's last remarks. The answer to his first question is yes.

Julie Morgan (Cardiff, North) (Lab): I welcome my right hon. Friend's statement, and particularly the announcements about freedom of information. I also welcome the fact that there will be a review about protests in Parliament square, because I think that it is important that the Government recognise that there has been an issue about them. Does he agree that how the consultation is carried out is very important? If we are to change the nature of the relationship between the citizen and Parliament, and between Parliament and the Government, is it not important that the citizen is involved in the consultation right from the beginning? Does he have any new ideas about how we can reach out to citizens to get them involved in this process?

Mr. Straw: I entirely agree with my hon. Friend about the importance of involving people better in the decisions. There are proposals that my right hon. Friend the Prime Minister announced on 3 July, which we are developing and some of which we have already used, for formal arrangements. I know that they are the subject of some mockery by the Opposition, but they can work and have done so, as I have personally seen in relation to citizens juries, for example, which really can make a difference.

I also say to my hon. Friend that each of us has our own responsibility to talk to our constituents about these matters and to seek their views. I do that on a regular basis, not least in my open air meetings in the centre of Blackburn, where I did so last Saturday and two weeks before. I am happy to give Members on both sides of the House advance notice of when I will be there, and to entertain them with a cup of coffee after they have listened to me. They can have the same rights as citizens of Blackburn to put me to proof on any issue that they wish. I find that there is real appetite, surprisingly enough, for discussing issues about how our democracy should work better, not least among the young. The development of youth parliamentarians and youth MPs in every constituency has been very encouraging indeed.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): My right hon. Friend made brief mention of the progress of the discussions on the reform of the House of Lords. Will he give more detail on how they are going and an indication of when he expects them to conclude? So that we do not lose the impetus of the overwhelming vote in this House for elections to the House of Lords, will he ensure that if we do not get agreement in the all-party discussions, the matter will be brought back to the House early so that we can move things further forward?

Mr. Straw: I made a detailed report to the House in an oral statement just before the summer recess. The all-party talks are taking place against the background and in the context of the clear decisions, made on an all-party basis in this House in early March, in favour of an 80 per cent. elected or 100 per cent. elected House of Lords and against all other options. That is the clear decision of this House. In that context, and given that all three parties support a wholly or mainly elected House of Lords, I hope that we can reach agreement on the many issues that make up the dossier.

Mr. Andrew Mackay (Bracknell) (Con): May I put it to the Lord Chancellor that although his occasional busking at the Dispatch Box is attractive, constant noise from protesters in Parliament square is not? I underline what my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) said: there can surely be a happy compromise between the freedom to demonstrate in Parliament square—that is essential—and not having a permanent protest site. I ask the Lord Chancellor to stress to the Home Secretary that the consultation period should be relatively brief and that legislation should be brought forward as quickly as possible. I would strongly support appropriate legislation.

Mr. Straw: I should have said that the consultation period on all the documents ends on 17 January, so it is pretty brief. I entirely understand the right hon. Gentleman's concern. My rooms have always faced Parliament square, and I find it difficult to conduct some meetings. I applaud the right to protest; as the House knows, I have used it myself on many occasions.

John Bercow (Buckingham) (Con): That was 40 years ago.

Mr. Straw: How does the hon. Gentleman know that? I shall give him my biography later. I have protested rather more recently than that; we regularly marched against the terrible Conservative Government. I have not marched against this Government, however.

I understand the right hon. Gentleman's point and hope that my right hon. Friend the Home Secretary does too.

Mr. Denis MacShane (Rotherham) (Lab): Are we actually at war in Iraq? The Lord Chancellor says that he wants to look at extending the Freedom of Information Act 2000 to a range of organisations that perform public functions. No greater public function is performed than that by the media. Does he think that the 2000 Act should be extended generally to the media, so that we can get an answer to the famous question: quis custodiet ipsos custodes?

Mr. Straw: Indeed; I once wrote a long essay on that, but it was in English.

The document makes it clear that the last time that we formally declared war was in 1942, although we have been involved in many armed conflicts since the second world war: 16,000 British service personnel have lost their lives since. The document deals with the issues about the definitions. Plainly, the rights of this House to make decisions on armed conflict go beyond any formal declaration of war.

Adam Price (Carmarthen, East and Dinefwr) (PC): Given the Government's keenness to involve the citizen in the wider debate, does he see merit in the proposal to build on the experience of citizens juries and create a citizens convention supported by Members on both sides of the House? Given the parallel debate on the constitutional future of Scotland and Wales, launched by the respective First Ministers, will the Government involve the devolved Administrations in the wider debate about the future governance of Britain?

Mr. Straw: The answer to the second question is yes. I gave advance information about the contents of the document "The Governance of Britain", although not of these documents, to the First Ministers and colleagues in Northern Ireland on 3 July. We are actively seeking the views of the devolved Administrations—the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. There is no question about that.

Earlier this week, I spelt out to the House of Lords Constitution Committee why we are not in favour of a citizens convention to determine such matters. There is no direct parallel with the convention that did important work in Scotland and the parallel consultations in Wales. The Scottish convention was necessary because at the time there was no Scottish Parliament. There had to be some legitimated but necessarily informal body to do the job that would otherwise be done by the Parliament; the situation was similar in respect of the arrangements for Wales.

We have a people's convention; it is called the British House of Commons. It is vital that any key decisions on our constitutional arrangements be made here. I do not believe that we should subcontract decisions to a parallel Parliament. However, the decisions that in the end we have a responsibility to make should be far better informed by vigorous debate and pressure from outside—from British citizens.

Mr. William Cash (Stone) (Con): The Lord Chancellor makes a great deal of democracy. Does he agree that given the reform treaty—*[Interruption.]* Oh yes, indeed. Given the reform treaty or any other that creates substantial constitutional change, does the Lord Chancellor agree that another convention should be applied? Not only should such a treaty go through Parliament—where, of course, it will be rammed through by the Whips—but it should be subject to a referendum of the people as a whole, for we hold our position on trust from them.

Mr. Straw: I have a bet at Ladbrokes, with extremely generous odds, on whether at any stage in the next 10 years the hon. Gentleman will ask any question of the Treasury Bench that does not mention the word "Europe". Sadly, despite the generous odds, I have still not collected any winnings, because I have never heard him ask any question whatever that does not get on to the issue of Europe. Public conveniences in Staffordshire would—*[Interruption.]* The answer to the question—*[Interruption.]* Well, I have given the hon. Gentleman so many answers to the question and I never satisfy him; it is very sad. The hon. Gentleman knows the answer; I do not know why he asked the damn question. I apologise; I withdraw that intemperate word.

Mr. Brian Binley (Northampton, South) (Con): Do you know the answer?

Mr. Straw: Yes, I do. It is that we are the party that pioneered the use of referendums in particular circumstances. We do not believe that that one is appropriate for the EU reform treaty. The only thing that would satisfy the hon. Member for Stone (Mr. Cash) is a decision made by this House; if he got his party on board and it won an election on such a manifesto, it could happen. I am talking about a decision to repeal the European Communities Act 1972. This House and the other place made the decision to join the European Union; this House and the other place, with or without a referendum—I suggest that one would be useful and desirable in such circumstances—could make a decision to withdraw from the European Union. That is the hon. Gentleman's policy, not that of those on the Conservative Front Bench. That is his problem.

Tony Baldry (Banbury) (Con): Does the Lord Chancellor recognise that many hon. Members on both sides of the House would not have voted for the war on Iraq if they had known then what we know now? As we consider our war-making powers between now and the end of the consultation period in January, should the House not have an opportunity to debate how we can avoid collectively misdirecting ourselves again in that way, and how the House can be better informed about such decisions before we again erroneously commit people to war?

Mr. Straw: We will have to have another occasion to debate the justification for military action in respect of Iraq on 18 March 2003. I simply say to the hon. Gentleman, who voted for it, I think—I certainly did; if he did not, I apologise—that the House as a whole voted for it by a very large majority.

I have thought about this a very great deal. As far as I am concerned, on the basis of the information that was then available, which was the only information that could have been available at the time, the decision to take military action was justified. I am happy to discuss that in another place. Whatever criticism is made of the Government and their decision, every effort was made to involve this House, not on one occasion but on four, through substantive motions. I believe that we have to learn lessons from what happened, one of which is how much more detail should be available about both the intelligence and the defence case for any military action. Also the House has to come to a view about whether, and in what circumstances, it needs formal written legal advice, and if so from whom, if there is any question of a challenge to the legality of any proposition for military action.

Dr. Julian Lewis (New Forest, East) (Con): Does the Lord Chancellor accept that when we exercise our right to free speech, whether in this Chamber or in public

[Dr. Julian Lewis]

places such as Parliament square, that does not confer an unlimited right to shout and bawl one's message using amplification equipment in a deliberate attempt to disturb other people? Is he aware that when that happens, in breach of the over-generous permission already given to the protesters by Westminster council, there is nothing the police can do about it other than retrospectively take the perpetrators to court? That is because the Serious Organised Crime and Police Act 2005 removed the power of the police to cross the road, take the equipment away and stop the people from breaking the rules. Will he address that loophole?

Mr. Straw: My right hon. Friend the Home Secretary will indeed address that issue. If I may say so, the hon. Gentleman makes a rather important and wider point. I commend a lecture that I am giving at the university of Cambridge later on today.

Dr. Lewis: Send me an advance copy!

Mr. Straw: I think that the hon. Gentleman may have discovered that on his desk there is a little box called a computer; if it is working, I will send him an e-mail.

Dr. Lewis: Excellent.

Mr. Straw: The point that I make in my speech, which is by no means original, is that rights have to go with obligations, and privileges with duties, and that we need to do more to ensure that that side of the equation is better understood.

Mr. Brian Binley (Northampton, South) (Con): I thank the Lord Chancellor for his statement. I particularly welcome his comment that his motivation for much of his activity as a student was enjoyment—I always thought so, as did many others, and I am grateful for his honesty.

When I wrote to the Home Secretary about Parliament square and the insulting behaviour thrown at Members as they leave this place, particularly at the then Prime Minister, I was told that local government powers stood very much in the way of taking further action. The Lord Chancellor will obviously take that into account. Will he talk to local government people to ensure that they do not get in the way of the actions that he wants to take on this occasion?

Mr. Straw: I understand and am grateful for the hon. Gentleman's comments, which my right hon. Friend the Home Secretary, whose happy task it is to conduct this review, will certainly bear in mind. Having been Home Secretary when we had the Stop the City protests, which were very violent and disruptive—on one occasion people dug up the whole of Parliament square—I discovered that the legal ownership of that piece of land is a nightmare, as different bits of it belong to different owners with different rights in respect of it. If I might make my own suggestion to my right hon. Friend the Home Secretary, one of the things that we have to ensure is that any new legal framework in respect of demonstrations there takes proper account of those legal ownership issues.

Mr. Peter Bone (Wellingborough) (Con): The Lord Chancellor said that the Prime Minister is making a statement elsewhere about the freedom of information request, and that the charges will not be tightened. If it is not a secret, could the Lord Chancellor tell us what were the pros and cons of that decision?

Mr. Straw: My right hon. Friend the Prime Minister is indeed making a speech elsewhere shortly. One reason why I made this statement in advance of his speech is his concern, and mine, that this House should be the first to know of the substance of what he says—not the whole speech, as that would run over the allocations that we have agreed with Mr. Speaker.

On freedom of information fees, there was a proposal that the definition of excessive time taken should be extended, and that some relatively minimal fees should be introduced in respect of data protection. My right hon. Friend the Prime Minister will announce, as a supplement to the announcement that I have made in this House, that we are not intending to proceed with those restrictions, nor with the fee.

Business of the House

12.26 pm

The Leader of the House of Commons (Ms Harriet Harman): With permission, I should like to make a statement about the business for next week. It will include:

MONDAY 29 OCTOBER—If necessary consideration of Lords amendments, followed by consideration of Lords amendments to the UK Borders Bill, followed by a debate on Burma on a motion for the Adjournment of the House, followed, if necessary, by consideration of Lords amendments.

TUESDAY 30 OCTOBER—If necessary, consideration of Lords amendments. The House will be prorogued when Royal Assent to all Acts has been signified.

Colleagues will wish to be aware that business may go beyond the moment of interruption on both days.

I am sure that Members understood all that, but I am aware that the formal way in which business statements are made can be incomprehensible. I hope that the Clerks will not start tearing the hair out of their wigs, but I have already asked the Procedure Committee to consider looking at how we can use plain English, and I hope that in future my statements will be more in humanspeak and less in gobbledegook.

On oral questions, following representations from the right hon. Member for Maidenhead (Mrs. May) and the hon. Member for North Southwark and Bermondsey (Simon Hughes), I have reflected on their comments and confirm to the House that, following agreement through the usual channels, the Government will bring forward a revised questions rota which is intended to result in better accountability for the larger Departments and, subject to the views of the House today, even greater topicality.

Mrs. Theresa May (Maidenhead) (Con): I welcome the fact that the Leader of the House has reflected on the issue of the question cycle. It is important that Departments such as the Ministry of Justice are able to have longer than the half hour that is in the current cycle. I thank her for giving us the future business, such as it is at this stage of the Session.

Last week, the Leader of the House told the House that the Government were

"not committed to an equalities Bill for the Queen's Speech this November".—[*Official Report*, 18 October 2007; Vol. 464, c. 965.]

Yet last month she told the media:

"We have promised a new equalities Bill next year".

Will she make a statement on what exactly is happening with the equalities Bill?

This morning, the Government announced in a written statement that motorway hard shoulders will be used to curb congestion. The Transport Secretary has not come to the House to take questions from hon. Members. Can the Leader of the House confirm that that decision hides cuts to the Government's motorway widening programme; and when will the Transport Secretary come to the House to explain it?

Yesterday, speaking about the changes to capital gains tax, the Minister for Trade Promotion and Investment, Lord Jones of Birmingham, said that

"medium sized businesses think it is a terrible thing".

Can we have a debate, in Government time, so that we may decide who is right about capital gains tax—the Chancellor or the Minister?

The Prime Minister said:

"As far as the statement on the constitution is concerned I'm not going to pre-announce what we're going to say to the House of Commons."

However, we have just had a statement from the Secretary of State for Justice, the details of which were reported by *The Guardian* this morning. It is now clear that with this Government no spin has become the new spin. Who can trust the Prime Minister on the constitution? He abused his constitutional position by planning and then bottling a general election for party political reasons. Can we have a full debate, in Government time, on the Prime Minister's abuse of the constitution?

Cancelling a general election for party political purposes is cynical; making a mess of the Scottish elections for partisan reasons is unforgivable. The Gould report says that

"party self-interest was evident in ministerial decision making".

Will the Secretary of State for International Development come to the House to apologise and make a personal statement? One experienced parliamentarian has said that

"we have to approach change in electoral administration and systems on a non-party basis."

That was the Leader of the House herself. Will she arrange a debate, in Government time, on the lessons of the Gould report?

Democracy and electoral processes will undoubtedly be raised in next week's important debate on Burma. Who will be speaking for the Government in that debate—the Foreign Secretary or the International Development Secretary?

The British population will increase to over 70 million by 2031, and at least 70 per cent. of that increase will be down to immigration. What is the Government's big idea on immigration? They borrow British National party slogans such as "British jobs for British workers"—even though everyone knows that that would be illegal. Can we have a debate, in Government time, on Labour's failed immigration policy?

The issues tell a bigger story. We have a Prime Minister with no long-term vision, just short-term tactics, and no serious answers, just spin. He spent a lifetime working to get to No. 10, but now he has got there, he has no idea what to do.

Ms Harman: The first point that the right hon. Lady asked me about concerned the equality Bill. I very much welcome her new interest in equality, particularly on the question of equal pay. However, I remember that she voted against what was, in itself, the biggest contribution to narrowing the pay gap between women and men: the minimum wage. Nevertheless, I welcome her commitment to equality.

As far as the Bill is concerned, the original plan was to issue a consultation and following that to publish a draft Bill this spring for inclusion in the Queen's Speech of November 2008. Following the response to the consultation, a number of proposals have been made

[Ms Harman]

that we think are worthy of consideration in order to improve the Bill. As I told the right hon. Lady previously, we want to keep our slot for a new equality Bill, fit for the 21st century, in 2008. It might not be possible to publish the whole Bill in draft, but we would seek to publish some draft clauses. I attended a reception at the TUC in September—the House was not sitting at the time—where I gave that answer to a question about our response to the consultation on the equality Bill. If the House had been sitting, I would have taken the opportunity to come to the House to make that point.

The right hon. Lady asked about motorway hard shoulders. There was a written ministerial statement on that, and I am not aware of any request for an urgent question from hon. Members, but there will be Transport questions in the future—*[Interruption.]* I apologise; an urgent question was requested, but not accepted.

The right hon. Lady asked about capital gains tax. There is an opportunity during consideration of the Queen's Speech for the Opposition to choose the subjects for whole-day debates. I have no doubt that the economy will be one of them, and hon. Members can revisit those issues.

The right hon. Lady accused the Secretary of State for Justice and the Prime Minister of briefing the newspapers before the statement given by the Secretary of State. The information that was new in the Secretary of State's statement was first announced in this House, but a lot of the information discussed in the papers this morning was in the Green Paper, "The Governance of Britain", which had already been given to the House by the Prime Minister in July. That information was already in the public domain. Although we can discuss things already in the public domain in the newspapers, if Ministers have new information, I regard it as important that they bring it in a statement to this House. As I understand it, that is what the Secretary of State for Justice did today.

The right hon. Lady raised the question of the Scottish elections. It is deeply regrettable that 150,000 or so people did not have their vote counted in those elections. The point is that everyone should have a vote and we have always wanted to increase the turnout from its diminishing level. One of the reasons why proportional systems, which operate in the European elections, and in London, Wales and Scotland, were introduced was the belief that it might increase turnout, based on the argument that every vote counted for more. As we have seen, the reality is that it makes the system more complex.

I remind the House that in the 2004 London elections, 220,000 votes were ruled out because we had the European, the Greater London authority and the mayoral elections on the same day. We tried to have a perfectly fair system for each election, but the result was too much complexity. The Electoral Commission is on hand to deal with the matter, and we established that independent commission to assist with election questions when we came into government. However, the question of how the new electoral systems are knitting together is the subject of a review that is being led by my right hon. Friend the Secretary of State for Justice.

On the question of Burma, I am sure that the House will welcome the fact that a Minister in the Foreign Office has been in talks in the region, in Singapore on Monday, and with Chinese and Indian Ministers in Tonga, so work is going ahead—[Hon. Members: "Who is the Minister?"] I shall get to that in a moment. I know that the matter is very important, and I wanted to report to the House the work of Ministers on the important question of Burma. We hope that it is a sign of progress that Aung San Suu Kyi has been called for talks by the Burmese authorities, and the Foreign Office are still considering who will lead an important debate on the matter on Monday.

As far as Labour's immigration policy is concerned, I will repeat what I have said before. This country was built on successive waves of immigration. No doubt, many Members would not be in this House if it were not for immigration, and I am sure that they play a very important role in this country. If they want to debate the issues further, they can raise them on the occasion of the Queen's Speech debate.

Mr. John Spellar (Warley) (Lab): The Leader of the House will be aware that the Government have for several months had the report of the Senior Salaries Review Body. Can she let the House know when it is likely to be published and when it is likely to be considered by the House?

John Bercow (Buckingham) (Con): Don't say shortly.

Ms Harman: I can say that it will be very shortly. I know that the question of pay and the important support services for Members that enable us to do our job properly are of concern to the House. We will publish the Government's response at the same time as the SSRB report, enabling the House to debate it very shortly thereafter.

Simon Hughes (North Southwark and Bermondsey) (LD): The Leader of the House's announcement about plain English statements and a new timetable for questions is welcome. I assume that there will be a chance over a year to consider how the latter works. I hope that there is a case for doing the one thing that, despite her best efforts, she has been unable to achieve: ensuring that the Department for International Development has a full slot like the other major Departments. I am sure that that would be popular and welcome and I hope that we can do it as soon as possible.

May I join the calls that hon. Members of all parties made yesterday and that the right hon. Member for Maidenhead (Mrs. May) made today for the earliest possible debate about elections in the United Kingdom? The Gould report contained the telling phrase

"a notable level of party self interest"—

Mr. Graham Stuart (Beverley and Holderness) (Con): By Ministers.

Simon Hughes: Indeed. However, we also have the report that the Leader of the House mentioned, which has been completed in the Ministry of Justice and reviews all the elections in recent years. May I urge giving serious consideration to ending the real mischief, which is holding elections for different levels of government throughout the country on the same day? That means that people do not vote on the issues that are relevant to the various authorities. We are desperately keen to get quick rather than accurate results. There is no public support for counting by machine, when people cannot see what is going on. People prefer counting by individuals, which means that people can see what is happening. Ultimately, somebody has to take responsibility for elections.

The Leader of the House mentioned justice issues for debate. I ask her to put two items on the agenda as soon as possible. The first is prisons. We now learn that some prisons are dedicated entirely to foreign prisoners, yet in other prisons, there are many people suffering from mental illness who should not be in prison. We must put prison issues on top of the political agenda.

Secondly, tribunals in this country are now full of people—for example, female local government workers pursuing equal pay cases—but we cannot have group actions, which would resolve many individual issues at the same time.

I asked the Leader of the House a written question, as I said I would, about the draft legislative programme and the consultation that has taken place on it. I know that she cannot tell us today what changes the consultation has brought about, but, given that the Government published a draft legislative programme for the Queen's Speech and then consulted, are any changes likely as a result of responses to the consultation, or was the consultation simply a presentation exercise—spin rather than substance?

Ms Harman: We will keep the rota of questions under review after we have changed it.

The hon. Gentleman mentioned elections in the UK. It is in the interests of all hon. Members to get everybody who is entitled to vote on the electoral register. Currently, 3 million to 4 million people do not get a chance to cast their vote because they are not on the electoral register. It is also in our interests to ensure that all those on the register vote. A high percentage of people voting gives legitimacy to institutions. That should be our only interest in UK elections when we legislate.

The hon. Gentleman mentioned different levels of elections—European elections, local elections, Scottish or Welsh elections—on the same day. The reason for holding them on the same day is to increase turnout—there is concern about low turnout in some important local elections. There is a balance to be struck. Is it best to hold several elections on the same day, with people perhaps not distinguishing between the responsibility of the different tiers of government, or to have chronically low turnout? We must reflect on those matters.

The hon. Gentleman spoke about counting by machine. Extensive piloting of machine counting has taken place. Obviously, we must keep all those issues under review. He asked who takes responsibility for the elections. Hon. Members of all parties are responsible for legislation on elections. The Electoral Commission has independent responsibility, and all parties have a responsibility to work together to improve the position.

The hon. Gentleman asked about accountability and scrutiny of prisons. I agree—I am sure that that applies to all hon. Members—that that is an important issue. One of the improvements that he and the right hon. Member for Maidenhead (Mrs. May) proposed for our rota of questions is that the Justice Ministry, which is now responsible for prisons, should have an hour's Question Time instead of half an hour, which is clearly inadequate given the importance of prisons as well other Ministry of Justice issues.

The hon. Gentleman asked about group actions on equal pay. Several organisations—women's organisations and trade unions—raised that in response to our consultation and we are reflecting on the matter.

The hon. Gentleman asked whether there would be changes in the draft legislative programme as a result of our publishing it in advance. As I acknowledged at the time, publication was very late in the day in the context of the gestation of the Government's legislative programme. The new Prime Minister did not make the decision—

Simon Hughes: I think I know what is coming.

Ms Harman: Well, just listen. A new Prime Minister took office in June and the decision was then made to publish the draft legislative programme. Hon. Members know that an awful lot of a draft legislative programme that is to be presented to the House in November is pretty finalised, as one would expect. *[Interruption.]* It is the Government's legislative programme. Next year, we intend to go beyond simply conducting an exercise in transparency—hon. Members should bear it in mind that the draft legislative programme would be secret until November had we not changed the position in July. We also had a chance to debate it in July. We hope that, next year, we will publish the draft legislative programme earlier so that there is a genuine opportunity for people to influence the outcome and propose Bills that they want. There is a big demand for people to be more engaged in the contents of our draft legislative programme. I therefore hope that the hon. Gentleman will set aside his cynicism for a moment and agree that it is a good idea to be more transparent and have more consultation. We are striving to achieve that.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Has my right hon. and learned Friend read early-day motion 2175 in my name and those of several other hon. Members?

[That this House expresses its disgust at and condemnation of, Mobile Connections of Bordesley Green, Birmingham, which has cheated a constituent of the right hon. Member for Manchester, Gorton out of hundreds of pounds and has failed to answer a series of letters, over a period of months, from the right hon. Member, and calls on potential customers to have nothing to do with this dishonest organisation.]

It condemns and expresses disgust at the theft by an organisation called Mobile Connections of Bordesley

[Sir Gerald Kaufman]

Green, Birmingham of hundreds of pounds from a constituent of mine. Will my right hon. and learned Friend provide time for a debate on the matter? Will she also ask the Secretary of State for Business, Enterprise and Regulatory Reform to draw the matter to the attention of the director general of fair trading?

Ms Harman: I will certainly do what my right hon. Friend asks on that important issue and draw it to the attention of Ministers in the Department for Business, Enterprise and Regulatory Reform.

Mr. John Redwood (Wokingham) (Con): May we have an early debate in Government time on the appalling state of the roads and the rip-off of the motorist? Now that taxes on petrol are more than 60p a litre and we are told that we may have to use the hard shoulder because the Government have not provided enough road space, surely the crisis is urgent enough for even this Government to believe that we need a proper debate to explore positive options to get more capacity on our road system.

Ms Harman: Spending on roads has increased by 62 per cent. since the Government of whom the right hon. Gentleman was part left office and we came in. As I understand it, the use of the hard shoulder is about better use of the road space that we already have.

Ann Coffey (Stockport) (Lab): As part of Inside Justice week, a group of children from Adswood primary school in my constituency are visiting a local magistrates court, where they will have the opportunity to participate in a mock trial, question the judge and pass sentence. Does my right hon. and learned Friend agree that that is an excellent way of involving children in understanding the justice system and that it should be open to all children? Will she also make time for a debate on the subject?

Ms Harman: I will bring that to the attention of my hon. Friends in the Ministry of Justice. I commend the work that is being done in my hon. Friend's Stockport constituency on Inside Justice week. I hope that many of those young people will end up in court again as magistrates.

Mr. Nigel Evans (Ribble Valley) (Con): I was always opposed to householders being charged extra for putting rubbish out depending on its weight. However, we understand that the Government junked that idea last night. Ribble Valley council, along with many others that have been rolling out wheelie bins for recycling, were encouraged by the Government to put chips in those bins at an extra cost of thousands of pounds. Will the Leader of the House arrange for a Minister to make an oral statement next week to announce the Government's position and, if the idea has been junked, thereby making the chips possibly the biggest piece of rubbish in the bins, to say what compensation will be made available to local authorities that have put chips in bins?

Ms Harman: I thought that the Conservative party was the newly greened party and was concerned about waste. I would therefore have expected Conservative Members to join positively in the discussions taking place nationally, locally and among members of the public on how to ensure that we collect waste effectively and generate less of it.

Dr. Stephen Ladyman (South Thanet) (Lab): Is my right hon. and learned Friend aware that Kent county council has decided to spend £600,000 on its own TV channel, while putting up home care charges for older people in order to raise £600,000? There is no greater supporter of devolution to local councils than I, but should we not have a debate, so that we can expose how Tory councils abuse those powers?

Ms Harman: Heavens above! In the olden days that used to be known as propaganda on the rates. I thank my hon. Friend for raising the issue, which I will bring to the attention of colleagues in government.

Mr. Andrew Mackay (Bracknell) (Con): Does the Leader of the House not see that we have been shamefully late in having a debate on Burma, which has sent completely the wrong message to the dreadful military Government there? Her saying that the Foreign Secretary might not necessarily lead the forthcoming debate would send an even worse message. Will she therefore rethink her previous answer and assure us that the Foreign Secretary will be present, as the shadow Foreign Secretary will be?

Ms Harman: I am sorry that the right hon. Gentleman does not welcome the fact that the House is debating Burma in Government time, bearing in mind the terrible events that have taken place there. He will know that the Foreign Secretary has duties that he must carry out in different parts of the world, including at the United Nations. He has responsibilities to the House, too, which he is well aware of, but I assure hon. Members that we will have an important debate, with information coming forth from the Government and an opportunity for all hon. Members to participate.

Mrs. Ann Cryer (Keighley) (Lab): Does my right hon. and learned Friend feel that it might be useful to have a debate on the Forced Marriage (Civil Protection) Act 2007, which, with a great deal of help from her, was finally given Royal Assent at the end of last Session? Given that the measure received all-party support, which I very much appreciate, it is unfortunate that the press gave it hardly any coverage. The very people who could be protected by that measure through injunctions therefore know nothing of it, and it will not be used until we can get some publicity for it.

Ms Harman: My hon. Friend makes an important point, which I will bring to the attention of my hon. Friends dealing with questions of justice. If people do not know about their rights, they cannot be protected. People do not know that Bills have received Royal Assent. We must do more to bring such important pieces of legislation to the attention of the people whom they are supposed to benefit. I pay tribute to my hon. Friend's role in bringing the legislation forward.

Justine Greening (Putney) (Con): May we have a statement from the Secretary of State for Business, Enterprise and Regulatory Reform on the aftermath of the postal strike? Postal services in my part of London are still nowhere near back to normal—that is my experience, the experience of my constituents and the experience of my small businesses, too. It is becoming a serious matter when we are not receiving our post. Can we have an urgent statement, so that the issue can be discussed in this place?

Ms Harman: I understand from my hon. Friend the Deputy Leader of the House, who has just informed me, that the Secretary of State met the Select Committee on Trade and Industry on Monday. We are keen to ensure that the backlog is cleared as soon as possible and that the situation is resolved.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. and learned Friend agree that the BBC is central to our democracy? Will she agree to encourage an early debate on the BBC, in view of what is happening? We all believe that the BBC should live within the licence fee, but the way in which cuts are being made and people are being selected suggests that members of staff who ask uncomfortable questions are being made scapegoats and getting fired, whereas people such as Alan Yentob and other senior managers seem to survive whatever happens. The BBC is central; it is a wonderful institution. At least it cannot be bought by Lord Ashcroft, as he has bought the Conservative party. Can we ensure that we have an early debate on what is happening in the BBC?

Ms Harman: My hon. Friend is right that the BBC is central and important in our democracy. The issue has not had the importance in the House that it perhaps should have. That is one of the reasons why it has been agreed throughout the House that we should increase the time for Culture, Media and Sport questions to 50 minutes.

Mr. Roger Williams (Brecon and Radnorshire) (LD): As we enter the season when the Government will be making statements on the financial settlements for many organisations, I understand that there might be a radical reform of the formula to determine police funding, which could particularly affect Welsh police authorities. There is a statutory consultation document out, but the Welsh police authorities have not received copies and have had to ask for it. Will the Leader of the House therefore gently remind her colleagues in the Home Office and the Department for Communities and Local Government that although policing, and police funding in particular, is a reserved matter for Westminster, the Welsh police authorities want to be involved in that consultation? May we also have a pre-settlement statement on the change of the formula, so that hon. Members can be involved, rather than just reacting to the settlement?

Ms Harman: I will bring the hon. Gentleman's comments to the attention of my ministerial colleagues.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): Loughton parish council in my constituency has been forced to hold a parish poll on the subject of an EU referendum—[HON. MEMBERS: "Hear, hear."]—by just 10 electors, spearheaded by a local Conservative councillor who seems to be strangely close to UKIP. The poll will cost £1,000, which is 10 per cent. of the parish council's budget, which would otherwise be used to improve life for people. Both the parish council and the National Association of Local Councils are extremely concerned about the hijacking of parish councils for party political purposes. Could we look seriously at amending the Local Government Act 1972 with urgency, to prevent parishes throughout the country from seeing their funds diverted to a purpose that is wholly outside their purview?

Ms Harman: I will certainly ask my hon. Friends to look into that question. Spending by parish councils is supposed to be limited to parish affairs. I remind hon. Members that it is we in this House who will be debating and making a decision on whether to ratify the treaty. It will be for hon. Members, no doubt having consulted their constituents, to bring their views to the House and make them known.

Sir George Young (North-West Hampshire) (Con): For some weeks now, we have been expecting to see on the Order Paper the names of members of the Regional Select Committees, trailed by the Government's paper in July. Can we take it from the Modernisation Committee's announcement that it is consulting on this matter that the Government are having second thoughts? Will the Leader of the House confirm that one option would be not to proceed with this misguided proposal?

Ms Harman: I think that the House will want us to proceed with the proposal to have greater regional accountability—*[Interruption.]* The Modernisation Committee will discuss how we can increase regional accountability in the House. When it has concluded its deliberations, it will make proposals. We remain committed to the principle of regional accountability and we will widely discuss the precise formulation. I hope that all hon. Members will contribute to the consultation.

Mr. Denis MacShane (Rotherham) (Lab): May we have an early debate on the problem of prostitution, particularly about how we curb demand? There are 25,000 sex slaves operating in Britain, while brothels and massage parlours are growing in importance. It is a huge industry. Young women of only 12, 14, 16—*[Interruption.]* I see Conservative Members sniggering about this; they should stop it. Young women of those ages are being beaten up and forced to act as sex slaves. It is more a matter of demand than supply, which we cannot do much about. I have a quote from a 12-year-old from the Balkans, who was beaten up:

> "I remember vividly the first time I was with a customer. . . He was in his late sixties and smelt awful. As he crouched over me, his hands groping my body, I felt sick, but there was a guard standing outside the room, so I couldn't escape."

That is happening in 21st century Britain, and unless we curb demand and make men accept their responsibility for the cruelties they impose on women, it will get a lot worse. We need an urgent debate. Britain must rid itself of this foul and evil trade.

Ms Harman: I pay tribute to my right hon. Friend's work in this area. This modern-day slavery is a new and evil trade that is emerging in this country, which is one reason why we need to work closely with our European partners. This vile trade is not only going on as my right hon. Friend describes, but is being advertised on the back pages of local newspapers—even local family newspapers—which read, "new girls in every week", "new girls from eastern Europe, from Africa, from south-east Asia" and so forth. That is advertising slavery and I will meet the Newspaper Society next week to discuss how it can play a part in curbing this evil trade.

John Bercow (Buckingham) (Con): As it is international brain tumour awareness week and supporters in several countries across the world have covered twice the circumference of the globe in undertaking fundraising sponsored walks on its behalf, may we have a debate in Government time on the Floor of the House as a matter of urgency? No fewer than 16,000 people are diagnosed with brain tumours each year, yet survival rates have not risen in line with those for other cancers and the brain tumour research community benefits from only a tiny proportion of the resources available to Cancer Research UK and the Medical Research Council. Is it not time that we considered how we can do better in the interests of helping those thousands of people who have suffered far too much for far too long with far too little done to help them?

Ms Harman: I welcome the hon. Gentleman's point, as will hon. Members throughout the House. I am pleased to have the opportunity to congratulate all the organisations that are working together as part of brain tumour awareness week as well as throughout the year. I also pay tribute to the hon. Gentleman's support for those organisations.

David Taylor (North-West Leicestershire) (Lab/Co-op): Pursuant to the question asked by the hon. Member for Ribble Valley (Mr. Evans), my county of Leicestershire suffers more than most from the need to landfill for domestic waste, for instance, which runs at a total of 28 million tonnes nationally, including 3,000 million disposable nappies and vast amounts of excessive product packaging. Will the Leader of the House ask the Secretary of State for the Environment, Food and Rural Affairs whether a statement can be made or a debate organised on how to drive up recycling and composting rates, which have stalled at 25 to 26 per cent.? We could probably achieve a national standard for recycling information to be printed on product packaging. We could also work with the Nappy Alliance to promote reusable nappies, which would make a significant contribution.

Ms Harman: I will draw my hon. Friend's points to the attention of my fellow Ministers. I believe that every point that my hon. Friend made was absolutely spot on.

Pete Wishart (Perth and North Perthshire) (SNP): May we have a further clarifying statement on the report into the shambles of this year's Scottish elections? On Tuesday, the Secretary of State for Scotland said that he was minded to accept some of the Gould report's recommendations, but yesterday the Prime Minister gave the clear impression that he had accepted all the recommendations. What is the Government's response to the Gould report, and when will the Secretary of State for International Development come before the House to explain his role in this shambles?

Ms Harman: We had a statement on the Gould report on Tuesday. As and when specific proposals for action come forward, they will be reported to the House. The same applies to the general question of how we ensure a fair voting system, but one that is not so complex that people find it hard to understand.

Mr. Peter Bone (Wellingborough) (Con): As we approach the 40th anniversary of the Abortion Act 1967, and now that 7.75 million babies have been aborted in this country, is the Leader of the House able to state whether, when the human tissue and embryo Bill comes before the House, it will be possible to move an amendment to reduce the number of weeks within which an abortion may take place, which would enable the views of the House to be heard on the matter?

Ms Harman: The issue of what amendments are tabled is a matter for Members and the issue of which amendments are selected is a matter for Mr. Speaker. The hon. Gentleman will know that the Science and Technology Committee is conducting an important inquiry into this issue. I believe that the most important consideration is to avoid unwanted pregnancies through good sex education, good and available contraception and aspiration among young girls. It is often said that the best contraception is aspiration—and responsibility among boys and young men, as this is not just an issue for young girls. It is exceptionally important that where a termination is necessary, it happens as early as possible. I pay tribute to the doctors, nurses and voluntary organisations that provide important services to women who do not want to have to seek an abortion and do not want a termination, but find that that is the best choice in the circumstances.

Mr. Ian Cawsey (Brigg and Goole) (Lab): As Remembrance day draws near, will my right hon. and learned Friend find time for a debate on the work of the Royal British Legion, particularly its honour the covenant campaign? Such a debate would allow hon. Members to pay tribute to the Legion's work across our constituencies and to express our support for the campaign. It would also provide an opportunity for the Government to explain what they are doing to ensure that the aims of the covenant are met.

Ms Harman: I welcome my hon. Friend's points and I will bring them to the attention of my ministerial colleagues. We introduced veterans day and we strongly support the work of the Royal British Legion.

Patrick Mercer (Newark) (Con): The Leader of the House will be aware that the Light Dragoons, 1st Battalion the Grenadier Guards, 1st Battalion the Royal Anglian Regiment and 1st Battalion the Sherwood Foresters have just returned from

Afghanistan, with more than 30 dead and several hundred wounded. May we have a debate on coroners' inquiries and the speed at which they are conducted, so that we can help to draw the mourning of the families and loved ones to a close?

Ms Harman: The hon. Gentleman raises a very important issue. We pay tribute in the House every time one of our soldiers fighting in Iraq or Afghanistan dies. However, the coroner system is not yet able promptly to answer the questions of bereaved relatives. We have included in our draft legislative programme a coroners Bill so that we can ensure that we treat bereaved relatives properly and provide them with answers to their questions.

Gwyn Prosser (Dover) (Lab): Will my right hon. and learned Friend find time for a debate on the inadequacies of private insurance cover for members of the armed services? Last week I visited my constituent, Corporal Ryan Knight, who sustained devastating injuries to his arm, leg and pelvis when he was blown up by a bomb in Afghanistan. He is now confined to a wheelchair. His insurance company, PAX—which provides insurance for some 58,000 members of the armed services—is refusing to pay up for his shattered pelvis on the grounds that it does not cover pelvises. Does my right hon. and learned Friend agree that that appears to be outrageous behaviour by the insurance company, and may we have a debate so that we can air the subject more widely?

Ms Harman: When people who have paid their insurance premiums expecting to obtain cover find, when they need to make a claim, that small print denies them the cover they feel they have bought, it causes no end of agony and grief. My hon. Friend will know that the Secretary of State for Defence recently announced an increase in MOD compensation. However, he has made an important point about private insurance companies, which I shall bring to the attention of my colleagues in the Ministry of Defence and the Department for Business, Enterprise and Regulatory Reform.

Dr. Julian Lewis (New Forest, East) (Con): Will the Leader of the House look into the operation of the named day questions system? I understood that when the maximum number of questions allowed was reduced to five per day, the other half of the contract was that the Ministries concerned would make serious efforts to answer them on the named day. Nevertheless, I usually add a bit of extra time.

When Parliament resumed on 8 October, I was astonished to receive a holding answer to three fairly straightforward questions about the Royal Navy that I had tabled on 26 July. When I tabled another question asking why that had happened, the Minister for the Armed Forces replied:

> "The answers were delayed as my weekend ministerial box was not delivered to the office until 9 October as a result of the postal strike."—[*Official Report*, 15 October 2007; Vol. 464, c. 766W.]

Does that mean that questions do not get anywhere near Ministers until the last day or two of a 10-week recess? And what are ministerial boxes doing in the postal system?

Ms Harman: I will look into the important points raised by the hon. Gentleman, write to him and place a copy of my letter in the Library. We all want questions to be answered promptly and clearly, and not after a delay of months.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I submitted a request for a Westminster Hall Adjournment debate next week on the important subject of tackling fuel poverty. I note that, although business has been announced for next Tuesday, there are to be no Westminster Hall debates on that day. If that remains the case, will my right hon. and learned Friend ensure that a debate on the subject is held early in the new Session? It is an issue on which important decisions ought to be made by the industry and the regulator before the winter sets in. I am sure that the House would like an opportunity to discuss it early in the Session, not some time after Christmas.

Ms Harman: I will reflect on my hon. Friend's comments, and bring them to the attention of my ministerial colleagues. Although we have done a huge amount to tackle fuel poverty, we want to make fuel poverty history.

Mike Penning (Hemel Hempstead) (Con): Is it possible for the Secretary of State for Transport to come to the House and explain why, nearly two years after the Buncefield explosion, a report on the explosion has still not been made public and an inquiry is still taking place behind closed doors? The local authority is under huge pressure from oil companies such as BP to allow the terminal to reopen before we know the inquiry's conclusions, which is of grave concern to my constituents. We have done without the terminal for two years; surely the oil companies could wait a little longer for the conclusions before putting pressure on local authorities.

Ms Harman: I will bring the hon. Gentleman's points to the attention of my right hon. Friend the Secretary of State for Transport.

Mr. Mark Harper (Forest of Dean) (Con): I know that the Leader of the House shares the view that statements to the House should be accurate. On 26 July, the Prime Minister made a machinery of government statement about the Government Equalities Office, in which he announced that the Leader of the House would become Secretary of State for Equality and the Under-Secretary of State for Work and Pensions, the hon. Member for Stevenage (Barbara Follett), would become Under-Secretary of State for Equality. Can the Leader of the House confirm whether that is still the case? According to the list of ministerial responsibilities that has just been published, she does not appear to be Secretary of State for Equality and the hon. Member for Stevenage does not appear to have any responsibilities at the DWP. Is the Prime Minister's statement accurate, or do Members need an update?

Ms Harman: I can bring the House fully up to date. I am the Minister in the Cabinet responsible for women and equalities, and in that capacity I am responsible for the Government Equalities Office. I am supported by

[Ms Harman]

my deputy, my hon. Friend the Member for Stevenage (Barbara Follett), and an excellent deputy she is. The hon. Gentleman will know that I am fully committed to such issues, and I am sure he will feel that everything is well in hand.

Philip Davies (Shipley) (Con): May I support the call from my right hon. Friend the Member for Maidenhead (Mrs. May) for a debate on immigration, particularly in relation to housing? Of the 3 million houses that the Government have announced will be built before 2020, over 1 million—on their own admission—will be for future immigrants. It was recently announced that my local authority in Bradford has been told to build 50,000 new houses over the next few years by an unelected and unaccountable body, which means that if my constituents do not like it they can do nothing about it. It is all the more galling that much of the new housing is required because the Government cannot control immigration properly. May we have a debate on an issue that is very important to my constituents?

Ms Harman: The question of migration into this country is important to everyone, including all hon. Members. Let me reiterate, however, that the country has been built on successive waves of migration. I do not know when the hon. Gentleman's family came to this country, but many other Members' parents were immigrants.

Hon. Members can raise these issues in Home Office questions and during deliberations on the Queen's Speech. In fact, there are many occasions on which the issues can be raised.

Mr. Graham Stuart (Beverley and Holderness) (Con): This Government have closed more post offices more quickly than any other Government in history. They have now ordered the closure of another 2,500, including those in Hollym, Lockington, Mappleton and Grovehill road in my constituency. May we have an urgent debate on the impact on local communities of the Government's continuing post office closure programme?

Ms Harman: The Government have done no such ordering. This is a question for the Post Office, and has been subject to consultation.

Ms Dawn Butler (Brent, South) (Lab): My right hon. and learned Friend has been very active during Black History month. As we approach the end of Black History month, and the end of a year in which we have commemorated the bicentenary of the abolition of the slave trade, will she ensure that we have a debate on how and when we will implement an annual slavery memorial day?

Ms Harman: I will reflect on the points that my hon. Friend has raised. I give my full support to the important work that has been done during Black History month. Next week we shall hold a reception for black and Asian women councillors, of whom there are only about 178 in local authorities in this country. To be fully representative, there would have to be 1,000. There is still under-representation here as well as discrimination, but Black History month allows us to celebrate the contribution of black and Asian people to the country and to ensure that there is proper equality.

Points of Order

1.19 pm

Mike Penning (Hemel Hempstead): On a point of order, Madam Deputy Speaker. It is my understanding that if Members visit the constituents of others on business, they should inform them of the visit. On two occasions during the summer recess, the Leader of the House and the Secretary of State for Work and Pensions visited my constituency without doing me the courtesy of informing me first. May I seek your guidance, Madam Deputy Speaker, on that?

Madam Deputy Speaker (Sylvia Heal): Members will know, and I repeat for the benefit of the hon. Gentleman, that it is one of the conventions of the House that Members should inform the Member whose constituency they are visiting.

Mr. Andrew Mackay (Bracknell) (Con): On a point of order, Madam Deputy Speaker, I seek your advice and guidance. You will see at column 285 of *Hansard* that yesterday the Prime Minister suggested that the Leader of the Opposition "is misleading people". You will further see that, in response to a point of order of mine, the Speaker said:

> "I have consulted the record and I am satisfied that the Prime Minister has said nothing unparliamentary."—[*Official Report*, 24 October 2007; Vol. 465, c. 291.]

Previously, we perhaps all wrongly assumed that misleading was unparliamentary and out of order. May we now assume that, if a Minister or Member is misleading the House, that is out of order, but if he is misleading—

Madam Deputy Speaker: Order. The right hon. Gentleman has made his point fairly clearly. Having reviewed the matter, Mr. Speaker is satisfied that nothing was said by the Prime Minister that reflected directly on the character of the Leader of the Opposition, and there the matter rests. I remind the House that the Chair expects all Members to use temperate and moderate language when referring to one another at all times.

Mr. Mackay: Further to that point of order, Madam Deputy Speaker—

Madam Deputy Speaker: Order. No. The Speaker's ruling has been given. I cannot therefore accept a further point of order on that matter.

Mr. Mackay: On a fresh point of order, Madam Deputy Speaker. I seek your advice and clarification. Will it be in order in future for Members to say that other Members are misleading people?

Madam Deputy Speaker: The right hon. Gentleman proposes a hypothetical situation. In each and every case, therefore, a decision will be made depending on the circumstances at that time.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Madam Deputy Speaker. I think that the Leader of the House inadvertently misled the House a minute ago when she said that the Government were not responsible for closing post offices, because we had an announcement that 2,500 will be closed by the Secretary of State.

Madam Deputy Speaker: The business statement finished some minutes ago. We are now on to points of order, which appear to be concluded.

Modernisation of the House of Commons

1.22 pm

The Leader of the House of Commons (Ms Harriet Harman): I beg to move,

That this House welcomes the First Report of the Select Committee on Modernisation of the House of Commons on Revitalising the Chamber: the role of the back bench Member (House of Commons Paper No. 337) and approves the proposals for changes in the procedures and practices of the House set out in the Government's response to the report (Cm. 7231), including the proposals for topical questions.

This is my first opportunity to respond to a Modernisation Committee report. I pay tribute to previous Chairs of that Committee: the late Robin Cook, my right hon. Friends the Members for Derby, South (Margaret Beckett), for Neath (Mr. Hain), for Ashfield (Mr. Hoon), and for Blackburn (Mr. Straw), who chaired it more recently. I also pay tribute to the many Members who have served on that Committee and continue to do so, including the current Chairman of the Procedure Committee, the right hon. Member for East Yorkshire (Mr. Knight), and the Modernisation Committee's most senior and longest-serving member, the hon. Member for Macclesfield (Sir Nicholas Winterton). This House is more effective as a result of their work.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): My right hon. and learned Friend has left one name off that list. He was not a Minister at the time, but Bob Sheldon, now Lord Sheldon, when he published the second part of "Shifting the Balance", did a lot for the modernisation of the Select Committee system and for what happens in the House. There was an interview with the then Prime Minister. Lord Sheldon did most important work. I hope that she recognises that.

Ms Harman: I absolutely agree with that point. The Modernisation Committee has done important work. The work that was done by Lord Sheldon and by many others has contributed to taking forward the way in which the House operates and is able to hold the Government to account through the Select Committee and other systems.

Today there are five motions before us, covering the recent report from the Modernisation Committee "Revitalising the Chamber: The Role of the Back-Bench Member", and the recent report from the Procedure Committee on public petitions and early-day motions, and there is a motion relating to European Standing Committees. I would like to say a few words about the context of those measures.

I think that we would all agree that we need to be prepared to re-examine many aspects of how the country is governed, in order to reinvigorate our democracy and how our Government are held to account. We all know now the statistics of election turnout and the underlying evidence of voter disengagement. That needs to be addressed in many different ways. In his statement to the House in July, my right hon. Friend the Prime Minister proposed to the Speaker that a Speaker's Conference be established to look further at some of those issues.

The Modernisation Committee agreed earlier this week that it would take forward short inquiries on the publication of the draft legislative programme, departmental annual debates, regional accountability, and recall and dissolution. I hope that all hon. Members will contribute to the Committee's inquiries. As I said, they will be short inquiries, and they will come forward with proposals.

Mr. Kevan Jones (North Durham) (Lab): Does my right hon. and learned Friend agree that one of the things that was welcomed in the north-east region was the proposal to create regional Select Committees? It is disappointing that they have not come into being yet.

Ms Harman: It is important that we have regional accountability for the north and other regions. I pay tribute to the first Minister for the North East of England, who is carrying out his important duties. We intend to press ahead with regional accountability, but we must get the processes right. We must ensure that the Committees are practical and work properly and effectively, that the House supports them and that in the regions concerned they are recognised as making a legitimate and important contribution to strengthening accountability.

Mr. Jones: I do not draw much encouragement from what my right hon. and learned Friend has just said. If there is a retreat from having a Select Committee for the north-east, not only will there be a lot of disappointment within the region but there will be a lot of unhappy Labour Back Benchers.

Ms Harman: I reassure my hon. Friend that there is no intention to retreat on anything and that we intend to discuss fully with colleagues on both sides of the House how we go forward in that respect. I know that he would agree that we need a practical solution that enables Members in the region to hold public agencies such as the regional development agency to account effectively. We will work together to ensure that we deliver that. We want to go forward with it as promptly as possible and the Modernisation Committee inquiry will be the first opportunity to look at that.

Sir Peter Soulsby (Leicester, South) (Lab): Does my right hon. and learned Friend accept that the concern that has been expressed about the resource implications of creating regional Select Committees should not lead to a retreat from that commitment, and that the answer to that concern is to make those resources available?

Ms Harman: My hon. Friend is right. One of the issues that we need to look at is how the resources of the House are allocated between the different functions of the House. That is one of the things that we need to discuss. I can tell from the response already that there will be a lively, open and transparent debate on those issues. There is no suggestion that the matter should be left in the long grass.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I thank my right hon. and learned Friend because I believe that she is looking favourably at the amendment that I and other members of the European Scrutiny Committee have tabled to item 5 on today's agenda. However, on topical debates, it is always a concern to Select Committees that not enough time is given on the Floor of the House for debates on topics that are of importance to those Committees. Can we have an assurance that topical debates will not force out debates that have been requested by a Select Committee after serious scrutiny? They are obviously seen as matters of such concern that the request is made that they be debated here in the Chamber.

Ms Harman: The Modernisation Committee will look at departmental debate days. Topical debates are intended to give Back-Bench Members an opportunity to ask questions without having to table them in advance. The intention is to make the work of the House more topical and to have more topical debates. I hope that they will be welcomed. I think that we all agree that we should improve scrutiny of European matters. My hon. Friend, who is the Chairman of the European Scrutiny Committee, has made strong representations about how the system needs to be improved, and I intend to accept his amendment. We will seek to sort this matter out within three months of today, rather than 12 months. The Modernisation Committee reported on this issue in March 2005, so an additional 12 months would be unsatisfactory. Three months should be long enough for us to find a solution that he and others will agree to. I thank him for tabling the amendment.

Mr. Sheerman: On resources, I support the principle of regional Select Committees and regional Ministers; the ministerial team is already proving its effectiveness. However, we must address the pressure that is put on MPs in this House. As Chairman of a Select Committee, I am finding that there is a small group of MPs who are free to accept membership of a Select Committee. We have a growing number of Ministers, paid and unpaid, and growing shadow ministerial teams who discount themselves from Select Committee work. We also have a proliferation of Parliamentary Private Secretaries who have, up to now, been prevented from being members of Select Committees. It is becoming difficult to attract Members on to Select Committees.

Ms Harman: Whatever change we make to ensure proper regional accountability, we must make absolutely sure that we do not undermine the very important work of the Select Committees. Those involved, particularly the Select Committee Chairmen and the Liaison Committee, will need to be involved in the discussions of how we take forward regional accountability.

Simon Hughes (North Southwark and Bermondsey) (LD): On European scrutiny, it is nonsense to have Select Committees doing serious work and producing reports that are not debated more widely before the Government come to a final view. A couple of days ago several Public Accounts Committee reports were debated. In the same way, there ought to be periodic opportunities to debate Select Committee reports by Department before the Government have come to a final view. That would make the work worth while, not just for parliamentarians but for all those who give evidence, orally or in other forms. It would show that we took that work seriously if we had a chance to debate it.

Ms Harman: Our view is that it is a good idea for the House to be able to debate Select Committee reports once the House has had the opportunity to see the Government's response. Otherwise, the House would have an opportunity to debate the Select Committee report proposals, but not to debate the Government's response unless further time was set aside for debate.

Mrs. Theresa May (Maidenhead) (Con): The Leader of the House has been most generous with her time. I am grateful to her for indicating that she intends to bring forward proposals to improve the scrutiny of European legislation, on which the Government, sadly, have been dragging their feet for some time. May I commend my proposals, which include making the scrutiny reserve statutory so that Ministers could not go to Brussels without the House giving its view on their proposed position, and to enable, say, 150 Members to require an issue that is going before the European Scrutiny Committee to be subject to a full debate in this Chamber?

Ms Harman: I warmly welcome proposals from the right hon. Lady, who is a member of the Modernisation Committee and shadow Leader of the House, and we will consider them in the short period before we come back to the House with proposals on European scrutiny.

Mr. John Redwood (Wokingham) (Con): I favour the Leader of the House's proposals for more topical debates and questions. But before we get muddled up about regional accountability—with which some of us do not agree—could we have some national accountability? One of the frustrations that many of my electors have about this place is that when MPs ask perfectly sensible, intelligent but tough questions of Ministers, there are no answers. We then have "Groundhog Day" with the recital of idiotic banalities of a political kind, instead of Ministers actually trying to answer the question. If they answer the question the first time, we will have rather more accountability.

Ms Harman: The right hon. Gentleman will have to come and see me to explain further what he is talking about, as I do not recognise his description. I try to ensure that I give as clear and full answers as possible.

The reform measures before the House today reflect work that began before I became Leader of the House and will contribute to this House remaining at the centre of the nation's affairs; not just being at the centre, but being seen to be at the centre so that the important role of the House is clearly understood by the public.

Mr. David Heathcoat-Amory (Wells) (Con): The Leader of the House has mentioned the public, who are very important. It is three and a half years since the Modernisation Committee made recommendations about European scrutiny and the Government have done nothing to implement them. She has now said that she will bring forward some proposals. Does she agree that the European Scrutiny Committee should meet in public in the meantime? That would help the public to understand what we are doing on their behalf. It is monstrous that that Committee meets in secret; I know, because I am a member of it. It is not surprising

[Mr. David Heathcoat-Amory]

that the gap between us and the public on European issues has widened in recent years. Will she look favourably on an early change to Standing Orders to permit that Committee to meet in public?

Ms Harman: It is for Select Committees to decide what deliberations between Committee members will take place in private and what they choose to regard as a public session.

Mr. Heathcoat-Amory *rose—*

Ms Harman: Madam Deputy Speaker, I feel that I must press on with my speech. One of my proposals is that Front-Bench speeches should be restricted to 20 minutes. I feel that I am running out of that 20 minutes and I am only on the third page of my speech. I dare not tell the House how many more pages I have.

John Bercow (Buckingham) (Con): Although I welcome the Government's willingness to provide for more topical debates and public interest debates, I am concerned that the character of the process is rather top-down. It appears that the intention is that these matters should be determined principally by the Government Whips, probably with a bit of consultation with my right hon. Friend the shadow Leader of the House, but not much more. Given that the Select Committee inquiry was into the role of the Back Bencher, may I exhort the Leader of the House to consider the merits of the evidence given by the hon. Member for Reading, West (Martin Salter), who, supported by the Hansard Society, argued that there should be a Back-Bench trigger in the form of a number of signatories of an early-day motion automatically resulting in a debate taking place, whether the Government and Opposition Front Benches liked it or not?

Ms Harman: I need to press on with my speech. Some of the answers are set out in a deliberated form further on.

Mr. Heathcoat-Amory: Will the Leader of the House give way?

Ms Harman: I will not. I hope to answer the right hon. Gentleman's question.

Mr. Heathcoat-Amory: On a point of order, Madam Deputy Speaker.

Ms Harman: All right, I will answer this one, but I really must get on—

Madam Deputy Speaker (Sylvia Heal): Order. A point of order from the right hon. Gentleman.

Mr. Heathcoat-Amory: On a point of order, Madam Deputy Speaker. The Leader of the House, quite unintentionally, has misled the House by asserting that it is up to Standing Committees whether they meet in public or not. In the last Parliament, the European Scrutiny Committee voted for its weekly deliberative sessions to be in public, but the Leader of the House did nothing to change the Standing Orders. What she said was incorrect and I invite her to correct the record.

Madam Deputy Speaker: Order. The right hon. Gentleman has made his point. It is not a point of order for the Chair, but the Leader of the House may wish to address those concerns in her reply.

Michael Connarty: We must clarify the record, because it was not under my chairmanship but under a previous chairmanship, when a motion was moved and carried that the Committee should meet in public. The Chairman was, unfortunately, ill at the time, but when he returned, he raised the matter again. It was thoroughly debated and the reasons for the feeling that the proposal was inappropriate were explained. That was felt particularly by our advisers, who give confidential advice to the Committee in their deliberative sessions, and it was explained why the proposal would compromise their position. The Chairman took a fresh vote and the decision was overturned. As it stands, the Committee's position is that it does not wish to meet in public.

Ms Harman: I thank my hon. Friend for that clarification. I shall press on with my speech clarifying why we have brought these motions before the House. If the trigger were simply a number of Members signing an early-day motion, we might find that this House would debate the football results. Someone such as myself would need to provide a filter so that that did not happen.

The Government accept most of the recommendations in the two Modernisation Committee reports before the House. They are particularly valuable in placing reform firmly in the context of how Members, in particular Back Benchers, manage the different aspects of their work. Any changes must reflect the priorities of individual Members and their need to devote time both to this House and to their constituents. Those demands have been ever increasing, and particularly marked for many hon. Members has been the growth in constituency work. That has been followed by a necessary increase—almost a doubling, in real terms—in the financial support provided to Members for this work since 1997 in the form of staffing and allowances. In my view, that is a good thing. The Government will publish the Senior Salaries Review Body report on pay and allowances for the House to consider shortly.

Mr. Sheerman: No one denies that extra resources have been provided, but the level of work in a major Select Committee is onerous in terms of the amount of research, reading and so on, and a small extra contribution towards the research budget for Members who choose to join one would make a big difference. Sometimes it would make the difference between someone choosing to serve on a Select Committee or choosing to become a Parliamentary Private Secretary.

Ms Harman: Perhaps my hon. Friend can raise that when this House discusses the SSRB's report on allowances. That will take occur shortly.

John Bercow: Very shortly.

Ms Harman: Very shortly. I must work out what comes next, after very shortly. Perhaps it is very, very shortly.

Hon. Members have an important role in their constituencies, but they also have vital work in this Chamber and in Select and Public Bill Committees. It is a timeless characteristic of our system that Members arrive at the general from the particular. The different roles that make up a Member of Parliament's work are not separate and competing, but interconnected and interdependent. That is why it is important, as the Modernisation Committee report highlighted, for Members to be able to organise their time as effectively as possible. Thus Chamber debates have to be organised in a way that allows hon. Members to know that they can contribute.

I shall deal first with the Modernisation Committee report on promoting interest in the Chamber. Its central theme is to promote the work of the Chamber by providing greater opportunities for Members to bring issues swiftly into the Chamber while they are still topical and maximising the opportunities for Back Benchers to participate in the Chamber. The Government have accepted most of the recommendations. Some of them—for example, those relating to new topical procedures and speaking times—are quite far-reaching, so it is proposed that in the first instance, they should run for a trial period during the next Session.

The Modernisation Committee proposes that business managers and the usual channels should seek to promote greater topicality in the first instance through trying to find opportunities to bring more topical issues to the House in two ways: by rebalancing the regular slots currently recognised by the House for such matters as the Queen's Speech, defence debates, the Budget debate and so on—I would welcome a debate in the House with contributions from all parties on the overall shape of those annual debates—and by being readier to hold half-day debates rather than full-day debates. That is not in the gift of the Government, and if we are to secure those changes, we will need the co-operation of the official Opposition and the whole House.

The Modernisation Committee proposes that debates should be seen to be more significant, both to Members and to the outside world. That could be done by holding more such debates on substantive motions—on a form of words enabling the House to express a specific view—and in other cases, through ending the practice of holding debates on the historic motion, "That this House do now adjourn", when in fact the House intends to proceed to a full debate. The Government have accepted the Committee's recommendation on that latter point. Accordingly, where the House does not seek to express a specific view on a subject, it should use a standard motion of the form, "That this House has considered the matter of...". The specified subject matter for such motions, as with Adjournment motions, would be expressed in neutral terms and would not be amendable, but what is going on in this House would be much clearer to colleagues and to the outside world.

I turn to the question of topicality: urgent procedures, topical questions and topical debates. The Government are accepting a range of proposals to maximise the opportunities for the House to consider the pressing issues of the moment, including two key proposals: having so-called "topical questions" and weekly topical debates. Topical questions will mean that most of the major Departments will have a period of their Question Time similar to Prime Minister's Questions, in which open questions will be allowed. The period will be 15 minutes of topical questions for Departments answering for a full hour and 10 minutes for those answering for 40 minutes. The precise rules, and the calling of Members after the initial open question, will operate as with other questions under the Speaker's direction, and will allow topical matters to be raised.

Topical debates will be weekly 90-minute debates on a topic of the day that is of international, national or regional importance. The selection of topic will, as proposed by the Modernisation Committee, be announced by the Leader of the House, following representations received and contacts through the usual channels. Some flexibility must be preserved as to exactly when the debate should take place each week. When the House does not sit for a full week, there would generally be no such debate. I would envisage announcing the slot for the topical debate during Thursday's business questions—I would be able to hear from hon. Members from all parties at that point—and if the slot were for the coming Monday or Tuesday, I would envisage announcing the subject at that time too. To ensure proper topicality, if the slot was to be for the following Wednesday or Thursday, I plan to give notice of the subject not before the Monday afternoon.

I would be happy to receive representations on the subject for topical debates from Members through any route they choose, including business questions. This innovation may be the most significant of all the measures proposed today. It will enable the House to hold the Government to account more effectively and to air issues of topical concern.

The right hon. Member for Maidenhead (Mrs. May) tabled an amendment drawing attention to parts of the Modernisation Committee report that were not in the bold recommendations and were not fully reflected in our response. She asks for the subject for the topical debate to be announced by the Leader of the House following consultation with business managers. As I have stated, that is indeed what we envisage happening, and that would include consultations through the usual channels.

The right hon. Lady also proposes a fortnightly written ministerial statement listing the subjects proposed by hon. Members. I am, of course, willing to see how best the system can operate in terms of representations and how the process can be as open as possible, but the precise mechanism proposed may not be the best one. We do not know how the process will work in practice. Dozens, or even hundreds, of suggestions or requests might be made, given in all sorts of different ways, so it might not be straightforward to compress all such representations into a written statement. Indeed, we would not want to encourage a situation in which Members sought opportunities to manipulate the process by setting up campaigns. It may well be that in practice most representations come through Thursday morning business questions anyway, in which case everyone will be able to hear them at first hand. The whole arrangement is, of course, experimental and we will be able to review it in a year's time.

Mrs. May: I am grateful to the Leader of the House for her generosity in giving way. The Modernisation Committee report proposed the fortnightly written statement as a way to ensure that hon. Members can see the subjects that have been proposed and make judgments about the decisions made by the Leader of the House as to which are chosen for topical debates. I accept that there may be questions of practicality, but the process must be open. The Leader of the House, in consultation with the usual channels, must not be left to choose subjects, with hon. Members having no idea whether they genuinely reflect the views of the House.

Ms Harman: I agree that we want a process that is both open and practical. We will have to consider in some detail how to achieve both objectives.

The Committee has also proposed that there should be substantive debates in Westminster Hall on motions on Select Committee reports and on balloted private Members' motions. I think that we have to look at these proposals in the light of how individual Members now prioritise their work. Let us be clear: substantive motions, with the potential for amendments to them, will inevitably bring with them increased whipping into what is at the moment unwhipped business. That would change the character of that business, and would also require the attendance of hon. Members at many more Divisions. I wonder whether hon. Members would consider that a good use of their time.

However, the Government have agreed with the proposals in the Procedure Committee report that relevant EDMs and petitions, rather than being the subject of any direct debate, should be capable of having a "tag" on the Order Paper if they are the subject of a debate selected by an hon. Member.

The Modernisation Committee has also proposed a regular half-hour Select Committee slot in Westminster Hall, in addition to the existing regular Thursday afternoon debating slots, to discuss recently published reports, perhaps in a very short debate or in the form of a statement. The Government have considered this proposal, but as I said earlier, in our response we have indicated that we do not think it particularly helpful for the House to hold formal exchanges of this kind on reports before the Government have had a chance to consider their response to those reports. Opportunities are already in place to raise such matters in other ways—whether outside the House or inside, for example at Question Time—but questions about the kinds of business to be taken in Westminster Hall, and how it can be handled, may be appropriate for further review in the Modernisation Committee.

Mr. Redwood: Will the Leader of the House give way?

John Bercow: Will the right hon. and learned Lady give way?

Ms Harman: I think that I shall press on, if I may. I have answered a great many questions, and there are Back Benchers who have speeches to make. I do not want to run out of time. We had two statements today even before we got to this business, and I must protect the rights of Back Benchers who want to make speeches.

I turn now to the question of petitions, and to the amendment in the name of the hon. Member for Congleton (Ann Winterton) and others. However, before I move on to the Procedure Committee report on petitions and EDMs, perhaps I could just mention the Modernisation Committee's recommendation that the absolute bar on the use of hand-held devices for keeping up with emails should be lifted—provided, as the Modernisation Committee noted, that that causes no disturbance. The hon. Member for Congleton and others have tabled an amendment proposing that this change should be rejected.

That is obviously a matter for the House, but my own view is that it is a sensible proposal. The Modernisation Committee, following representations from a number of hon. Members, took the view that it was a sensible measure to accommodate hon. Members' practical needs if they were to be expected to spend considerable time waiting in the Chamber to speak and listening to the debate. I think that the proposal is realistic and would be genuinely helpful. Hon. Members will note that if the House agrees to the terms of the Government response by agreeing to the motion tabled, and as explained in the explanatory memorandum, the change would come into force only when Mr. Speaker has approved the necessary arrangements.

As we will all recognise, petitions have come increasingly under the spotlight as interest has grown in different forms of direct engagement with the public. Our own petitions procedures have gradually been brought up to date over the years. For example, the top copy no longer has to be handwritten, the rules for eligibility of petitions have been simplified, and the Clerks in the Journal Office can always assist Members in ensuring that petitions are in order. The time is now right to develop the procedures further, to make more apparent the opportunities that people have to address this place directly.

The latest report from the Procedure Committee has been a balanced study of what further steps might be taken. It proposes the retention of the Member link to an incoming petition, but makes a number of proposals to make petitions more visible in the House's procedures. They include proposals that petitions be published in *Hansard*, that the Government respond to petitions and that Select Committees specifically include on their agendas the petitions that have been forwarded to them. Another possibility is that there should be a dedicated debate slot for petitions in Westminster Hall.

The Government have accepted most of those recommendations, as outlined in our response document. In respect of Westminster Hall debates, we think it better that existing processes for Back Benchers to procure debates should be used, but that it should be possible to "tag" any relevant petition on the Order Paper for the debate.

When it comes to responding to petitions, it is important to note that the Government have now given an undertaking that

> "provided that Members continue to give careful attention to a proposed petition before sponsoring it...substantive petitions should normally receive a response from the relevant government department."

The Committee has also indicated that it will be looking further at whether some form of e-petitioning—in particular for gathering signatures—can be incorporated into the petitions process, on the basis that the Member link to a petition should be retained. The Government look forward to this second report in due course. The Government have agreed with all the specific recommendations addressed to them concerning EDMs, which continue to perform a valuable role in allowing Members to raise a variety of local or national issues in a measured way.

I turn now to European Standing Committees. The motion relating to European Standing Committees is designed solely to allow the present temporary system for the appointment of European Standing Committees to continue. The appointment of the Committees on a one-off basis as and when there is a need, rather than appointing three permanent Committees as envisaged under Standing Order No. 119, has existed as a temporary measure until any more comprehensive reform of the European scrutiny system is put in place.

I am well aware that neither the system envisaged by the Standing Orders, nor the temporary system currently in place, is satisfactory. The 2005 Modernisation Committee report on European scrutiny identified failings, and I think that many hon. Members here would agree, but we have yet to identify the precise solutions.

The Modernisation Committee report contained several recommendations relating to the European Standing Committee process. My predecessors as Leader of the House and I have all been looking at the matter closely. I agree that we need to identify improvements to the European Standing Committee process. We are actively looking at ways in which this might be done.

I come now to the amendment in the name of my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) and other members of the European Scrutiny Committee. In the meantime, the power to appoint Committees in the way set out under the temporary arrangement—which is what allows the system to work effectively at all at present—will expire at the end of this Session unless we renew it. My hon. Friend and the other members of the European Scrutiny Committee have tabled an amendment to provide that the extension would be for three months only into the next Session.

While I cannot guarantee that we will be able to bring forward alternative proposals within that time, I will be working hard with my right hon. Friend the Foreign Secretary and my hon. Friend the Minister for Europe to bring forward proposals that command the support of the whole House, including the European Scrutiny Committee. I am therefore content to accept the amendment.

The Modernisation Committee and other Committees of this House have done us a favour in bringing forward some very sensible suggestions about how we could do our business better. I hope that all hon. Members will support the measures, as they will provide greater topicality for our debates, enhance and strengthen the role of Back Benchers, and improve our scrutiny of Government.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. I advise hon. Members that motions 1 to 5 on the Order Paper—on Modernisation of the House of Commons; Modernisation of the House of Commons (Changes to Standing Orders); Procedure; Procedure (Changes to Standing Orders); and European Standing Committees (Temporary Nomination)—will be discussed together. Mr. Speaker has selected amendments (a) and (b) to motion 1, on Modernisation of the House of Commons, and amendment (a) to motion 5, on European Standing Committees (Temporary Nomination).

1.58 pm

Mrs. Theresa May (Maidenhead) (Con): As a member of the Modernisation Committee, may I begin by thanking all those involved in the preparation of this report? During our inquiry, we heard not only from hon. Members but from representatives of the media and from academics, officials and the Clerk of the House. We received the usual high standard of support from the Clerks Department and other staff, and I should like to thank them too for their work, and to commend them on it.

Martin Horwood (Cheltenham) (LD): Will the right hon. Lady give way?

Mrs. May: I have barely started my speech and am not sure what the hon. Gentleman wants to intervene about. However, I will give way to him.

Martin Horwood: I am very grateful to the right hon. Lady, but I want to ask about her reference to the hard work done by staff. Does she agree that, given the theme of modernisation, it is absurd for proposals to be made that Members of Parliament should take precedence in tea and photocopier queues? Another proposal has been that what amount to executive washrooms be retained in this place. Are those not precisely the sort of proposals that bring this House into disrepute, and are they not an insult to the very hard-working staff to whom she has referred?

Mrs. May: As it happens, I entirely agree with the hon. Gentleman that Members should not take precedence in tea and canteen queues in this House.

To return to the motion, the sovereignty of Parliament in our constitution is known, or should be known, by all, but to ensure that our constitution remains healthy, and that the way we govern ourselves continues to work properly, we have to ensure that Parliament stays strong. We need to do that in a variety of ways—by preventing its domination by the Executive, by protecting and extending its democratic legitimacy and by making sure that what goes on in this and the other place is relevant to what goes on outside this building, in the real world, in the lives of the people who put us here.

The Prime Minister and his Government talk much about making Parliament stronger and more relevant. Indeed, the Prime Minister has said that he wants to make Parliament the "crucible" of our political life. If only his actions matched his words people might actually believe that that was not just another piece of spin. We have had supposedly spin-free statements

[Mrs. May]

spun to the press beforehand, troop withdrawals double-counted and announced at a photo-shoot first rather than to Parliament and a pre-Budget report whose detail bore little resemblance to the statement made to the House by the Chancellor.

Sir Winston Churchill said of the duties of a Member of Parliament:

> "The first duty of a member of Parliament is to do what he thinks is right for Great Britain. His second duty is to his constituents. It is only in the third place that his duty to party takes rank. All these three loyalties should be observed, but there is no doubt of the order in which they stand."

Given the way the Prime Minister treated Parliament when he was Chancellor and the way he is treating it now, and the way he treated the country by considering a snap election as long as it suited the Labour party, I fear that he has Churchill's three loyalties in the wrong order.

Mr. Sheerman: I thought the right hon. Lady would treat the debate seriously and talk about the motion in a bipartisan manner. I wish she would come back on track. Does she think that the Modernisation Committee proposals have countered one of the great frustrations in this place? Typically, when we have debates on a topical issue or any other issue, there are long speeches from Front Benchers and even longer ones from Liberal Democrat Front Benchers—they all outbid one another in terms of length. We will be doing something about that, but Back Benchers still do not know when we will be called to speak. Grown-up adults wait on the Back Benches wondering whether we will be called to speak. Why cannot we know—

Madam Deputy Speaker: Order. I remind the hon. Gentleman that interventions should be brief, too.

Mrs. May: Thank you, Madam Deputy Speaker. I was about to suggest that the hon. Member for Huddersfield (Mr. Sheerman) took his own counsel in that regard.

If the Prime Minister is serious about making Parliament the crucible of our political life, he should begin by treating people with respect and Parliament with propriety. If he wants to achieve his supposed goal, he needs to transfer power from the Executive to Parliament, which is part of what the Modernisation Committee proposals are about.

The most positive changes in the motion concern the topicality of what goes on in the House. If the public, the media and, indeed, Members are to pay more attention to Parliament we need to make sure that we debate topical issues and that we debate them quickly enough for them to remain topical. Of course, we can make use of urgent questions, Standing Order No. 24 debates and Opposition day debates, but none is perfect in ensuring topicality. Urgent questions can be turned down and in any case give rise only to questions rather than a proper debate. At present, Standing Order No. 24 debates come at the expense of other business, and Opposition day debates have no regular slot; their timing is up to the Government and they tend to be bunched towards the end of a Session. Moreover, Opposition time is limited.

The answer to improving topicality cannot be simply to limit the freedom of manoeuvre of the Opposition parties, so the provision that there should be topical debates of an hour and a half is welcome, subject to two caveats. First, it would be unacceptable for the innovation to eat into Opposition time; the Government already dominate the business of the House and Opposition time is limited, as I said. If we are to improve the strength of Parliament, that innovation must not come at the expense of the Opposition, as the Modernisation Committee report said, so I should be grateful if the Leader of the House, or her deputy in the winding-up speech, could give the House a commitment that topical debates will not eat into time given to Opposition parties for their debates.

My second concern relates to my amendment, which the Leader of the House addressed. The Modernisation Committee recommended that subjects for topical debates would be announced by the Leader of the House following consultation with business managers and that the Leader of the House would issue—as we discussed—a fortnightly written ministerial statement showing the list of proposals made by private Members and the debates that had taken place. However, the motion merely states that a Minister of the Crown will take the decision about which proceedings will form part of a topical debate.

The issue is important. In her speech, the Leader of the House referred to the fact that suggestions would come from Back Benchers. It is essential that we make it clear in this debate that topical debates will not simply be in the gift of Ministers, but will be announced by the Leader of the House following propositions from Back-Bench Members. It is crucial that debates can be initiated by Back Benchers and not just Front Benchers.

Mr. Redwood: Does my right hon. Friend agree that if, to avoid embarrassment or difficulty for the Government, Ministers select for topical debate subjects that are not a hot topic in the media or for the Opposition, it will bring the whole idea of topicality into disrepute, which will pose quite a problem for the Government?

Mrs. May: My right hon. Friend is right. An example springs to mind. If the hon. Member for Birmingham, Edgbaston (Ms Stuart) were to suggest a debate on a referendum on the EU constitutional treaty and the Government refused to accept it, many people would have something to say about the issue.

John Bercow: It is of course important that we know not only the contents of the list of proposed topics for the topical debates but the number of right hon. and hon. Members who have made a request for each. That does not mean that the judgment must be only quantitative; it can be qualitative as well, but we ought to know how many wanted which. Given that the Leader of the House said she was happy to hear from Members by letter, e-mail or in person, does my right hon. Friend agree that there can be no objection to the right hon. and learned Lady's subsequently letting us know how many people requested which debate? What is there to hide?

Mrs. May: I absolutely agree. The innovation is important for the House so when it is introduced we must take every opportunity to show that it is about

Back-Bench Members being able to raise topics. In response to an intervention from my hon. Friend about the number of Members who could sign early-day motions and thereby generate debates on them, the Leader of the House referred to the nature of some of the early-day motions that are tabled. I think we all agree that there are some for which it would not be appropriate to take up debating time in the House, but I trust that Back Benchers would be able to judge when a subject was serious enough for topical debate and when it was not suitable.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I am grateful to my right hon. Friend for talking about Back Benchers, because the report could read as a cosy invitation to the Government to continue to control everything. An amendment proposed in the Select Committee by its Liberal Democrat member would have provided for the use of a ballot, which would be the simplest way of getting out of the craw of the Government or the usual channels. The amendment was voted down, but is not a ballot for all Back-Bench Members—it would exclude Front-Bench Members—the way to assert the vitality of the House?

Mrs. May: I am grateful to my hon. Friend for making that point. He has been promoting the ballot proposal not only in the Select Committee but elsewhere. We need to consider the appropriate means for ensuring that Back Benchers can raise topics in the House. I shall refer later to private Members' motions, because if we are genuinely interested in the House having greater ability both to decide what happens in this place and to hold the Government to account, such opportunities are important.

Jo Swinson (East Dunbartonshire) (LD): Does the right hon. Lady agree that although it is important for Back Benchers to have more say about topical debates, we should go further and allow people outside this place to have a say? Does she regret the fact that there is no recommendation for a petitions Committee, which could, for example, recommend that a petition be the subject of a topical debate?

Mrs. May: The Procedure Committee has examined the question of a petitions Committee very carefully. I know that there is such a structure in the Scottish Parliament and I have talked to MSPs about it. That Committee is not without its downsides—it is not universally positive. The Procedure Committee has reached the right position after due and proper deliberation.

I hope that the Deputy Leader of the House will use her winding-up speech to put it clearly on the record that the Government intend to allow Back Benchers to have a say on the issues that should be discussed in topical debates. Beyond that, however, there is also a need for more topical questions. Under the existing arrangements, there have been many occasions when it has not been possible to raise hot topics of the day during departmental oral questions, despite hon. Members' ingenuity, simply because a relevant matter was not on the Order Paper. The Government have reduced the time in advance of departmental questions before which questions must be tabled, which is to be welcomed, but a period of time for topical questions is the right way to go.

Prior to today's business statement, I was worried that there might be a problem with the introduction of topical questions if the existing cycle of questions was retained. Now that the Leader of the House has agreed to move on to a different cycle—I assume that that will be a five-week cycle so that Departments such as the Ministry of Justice will have a full amount of time—topical questions will be practical and an important innovation.

I am a great supporter of the idea that we should have debates on general issues. I have long argued that the House needs to be able to debate cross-cutting issues, so I hope that the general debates will address that shortcoming. However, the Leader of the House suggested that if we increased the number of general debates and private Members' motions, there would be more whipping. I am on the record as saying that the House should have more general debates that are subject to free votes, although that view is not always shared by my colleagues in the Whips Office. Parliament should have more opportunities to give a view on issues of the day. It should be able to give such a view on issues that are aside from the Government's proposed legislation, such as by debating the causes of antisocial behaviour and reaching a view. Such opportunities would be important.

The House always tends to address issues according to the way in which Whitehall Departments are divided into silos. However, people do not think of things in such a way. Businesses and organisations in every other walk of life are moving away from traditional models towards matrix models of management. The House needs to find ways of adapting to such models of management. If we asked modern management consultants to design Government Departments, I am sure that they would not produce the structure of Whitehall today. While I realise that that is not a subject for this debate, Parliament needs to move forward in a way that restricts the reliance on debating issues in silos and thus enables general debates to take place.

John Bercow: My right hon. Friend was showing very welcome signs of a commitment to what I call über-modernisation through what she said about the way in which Government Departments should be organised and the House should conduct itself in turn. May I gently put it to her that if we are to apply that principle, of which I am a vociferous supporter, there is a good case for doing so in relation to Westminster Hall as well? Most members of the public in full-time work would ordinarily work on a Monday, Tuesday, Wednesday, Thursday and Friday—and possibly beyond that. Is there any good reason why we continue to deny ourselves the possibility of debates in Westminster Hall, either on a substantive motion or a motion for the Adjournment, on Mondays? Why cannot we have such debates?

Mrs. May: As ever, my hon. Friend makes a good point. I could probably be described—if I dare to try my German—as a frühe-moderniser rather than the term that he used. We need to look at what happens in

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Westminster Hall and how it is used. I will be entirely open with hon. Members. I was reluctant to accept the introduction of Westminster Hall in the early days, but I believe that it has been a good move by the House. We need to move on to the next stage of Westminster Hall to determine how we can make better use of it.

Some Members might say that we do not have enough time for all the changes that are being brought forward, such as the proposals for general debates. I say to the Government that the answer to that is very simple. If there was not so much legislation going through the House, Parliament would have time to do its job properly in terms of scrutinising legislation, questioning Ministers and debating important issues of the day.

It is important that as many Members as possible are able to speak in such debates. I support the provision for greater flexibility on Members' contributions to debates. It is sensible to improve Members' ability to participate by limiting Front Benchers' contributions—I am wary of the time that I am taking.

Mr. Shepherd: We are talking about 90-minute debates. Under the proposed Standing Order, a third of that time will go to Front Benchers. This is just the old game, is it not? The report was meant to be called "Strengthening the role of the backbencher"—that was what we wanted to do. However, we are handing things over to the usual channels and the Government—the Crown in Parliament—who are not responsible and control the totality of the business that comes before the House.

Mrs. May: My hon. Friend makes a valid point about the need for Front Benchers to be extremely careful about the amount of time that they take up in hour-and-a-half debates. It is not necessary for Front Benchers to take up all the time allowed by the proposals. I echo the comments made by the hon. Member for Huddersfield (Mr. Sheerman) about the increasing length of time for which Liberal Democrat Front-Bench spokesmen seem to speak. During one of our Opposition day debates, the Liberal Democrat spokesman spoke for longer than both the Government and Conservative spokesmen.

Let me refer to two recommendations that were rejected. It was proposed that Select Committee reports should be debated in Westminster Hall—this relates to the point made by my hon. Friend the Member for Buckingham (John Bercow) about the use of Westminster Hall. At a time when many of us believe that the imbalance between Parliament and the Executive is too great, Select Committees have been a great success story. Their work deserves a higher profile and debating it more regularly in the House would contribute to that. There are probably other ways in which Select Committees could be further strengthened, and I hope to come forward with proposals in the near future. That perfectly reasonable recommendation would have strengthened Select Committees and Parliament, but the Government ignored it. That was a pity because they have missed an opportunity.

The Leader of the House also refused to entertain the recommendation that the House should experiment with a ballot for opportunities to debate private Members' motions, to which I referred in my response to my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd). That would have made a powerful change to the balance between Parliament and the Executive. The Leader of the House has said that there would be practical difficulties, but one cannot help but suspect that, as is the case for debates on Select Committee reports, the truth is that the proposal would relax the Government's ability to control the business of the House rather too much for the Executive. While today's proposals are to be welcomed, they fall short in those two key respects.

Although the changes are welcome and will go some way towards making the House more relevant to the public, the relevance test was just one of the three challenges for reform. The other two—the prevention of the domination of Parliament by the Executive and the need to protect and extend Parliament's democratic legitimacy—will need further inventive and perhaps controversial measures.

As I said earlier, we have heard a lot from the Prime Minister and the Leader of the House on how the Government supposedly want to strengthen Parliament, yet the Prime Minister will use his majority to force through the ratification of the renamed European constitution. However, without a referendum, he has no manifesto mandate to do so. He has failed to address the most obvious flaw in the post-devolution constitutional settlement, namely the West Lothian question. I am grateful for the fact that the Leader of the House has said that within three months there will be proposals on the scrutiny of European legislation, but I hope that she is prepared to go far enough to ensure genuinely better scrutiny of European legislation. That is in no way to decry the hard work done by members of the European Scrutiny Committee. However, the current system means that we are poor at scrutinising European legislation. Today's changes are welcome, but even within the context of the Modernisation Committee, they could have gone further.

Martin Horwood: Will the right hon. Lady give way?

Mrs. May: I am just coming to the end of my remarks, so the hon. Gentleman will forgive me for not giving way.

In truth, if we want a Parliament that can stand up to the Government, we need to go much further than the Committee's recommendations. The Leader of the House is not just the Government's representative in the House; she is the House's representative in the Government. She has responsibility for reform, and if she wants to follow in the line of the reforming Leaders of the House to whom she referred, she needs to take that responsibility. She needs to be bolder, and she needs to ensure that the House can truly redress the balance between itself and the Executive.

2.21 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): First, I once again formally thank my right hon. and learned Friend the Leader of the House for accepting the amendment tabled by the European Scrutiny Committee members who attended our meeting yesterday. We were concerned that another year would be too long to wait; it would seem to signal to the public—and to lobby groups and business organisations that have spoken to us about the lack of progress on European scrutiny, apart from in discussion by our Committee—that we were not giving the subject its proper priority. Europe produces a large burden of regulations, framework decisions and directives that impact on people's lives and the nation's business and social community. I think that it was a former chief executive of the CBI who made the accusation that the House seems to be asleep when it comes to the issue of European scrutiny.

Kelvin Hopkins (Luton, North) (Lab): I support my hon. Friend strongly in congratulating the Leader of the House on accepting the amendment in the name of the Committee that my hon. Friend chairs, and of which I am a member. Does he not agree that a permanent member of a Standing Committee would take their responsibility more seriously than one who is added ad hoc at the last minute?

Michael Connarty: I certainly agree with that summation of the problem, and on the positive nature of being a permanent member of a Standing Committee. I came to the European Scrutiny Committee after acceding to a request from a Whip, a former good friend of mine who has sadly passed away, Gordon McMaster. He said that being a member of a Committee would be a way of gaining knowledge that was useful to a Member of Parliament. I do not think that he said that just because he was a Whip seeking members for Committees; it was also because he was a friend. We had known each other when we were in local government, when he was a leader in Renfrew, and I was a leader in Stirling. We understood that knowing the detail of business was the key to being a successful councillor and a successful Member of Parliament.

In the three years between 1994 and 1997, I served on the European Standing Committee that dealt with agriculture, health and safety, and the environment. That broadened my knowledge of those subjects. I also found that practically every topic that we discussed was relevant to my constituents, because it would eventually have an impact on them. For example, the duties on riparian owners to clean up canals and waterways eventually led to a campaign, which we supported, to have the canals opened. That was a millennium project. The pollution of the Union canal caused by the Nobel munitions works was cleaned up under directives from Europe, so it is amazing how people could make Standing Committee work relevant to their local area. I agree entirely with that point.

I commend the Deputy Leader of the House, who was asked by the Leader of the House to be involved in the process, and who has spoken with the Chief Whip, with me and with others to try to ensure progress on the major issue, which is what we can do to bring the Modernisation Committee's report to a final conclusion that will advance what we do.

Martin Horwood: I apologise for the fact that after I have asked the hon. Gentleman a question I will probably have to withdraw to attend a Westminster Hall debate. One of the most important issues addressed by the Modernisation Committee was that of the induction and welcome of new Members. Does he support addressing, through the channel that he described, two key issues? The first is the chaotic diversity of material with which new Members are presented, and the second is the chronic lack of offices; we had to suffer the lack of an office for many months in 2005. The situation was probably not even as bad as it had been previously. Would he support measures to tackle those archaic problems?

Michael Connarty: I thank the hon. Gentleman for raising that issue. In 1992, when I came to the House, I and four other Members were asked to go to the induction week for the new members of Congress in the United States of America. We spent a week at the John F. Kennedy school of government with those members, where they were trained in the relevance of their legislation to the budgetary headings on which they would eventually have to vote. We came back and made a recommendation. One of my hon. Friends was very keen on the idea that we should have a proper induction. There is no doubt that induction would and should take place on European issues.

As a member of the European Scrutiny Committee—and even before I became its Chair—I have spent a lot of time visiting Departments that have requested that either I or a clerk explain how we do our business, how they can help us in our business, and how they can help their Minister better. I have done that for the Industry and Parliament Trust, and I am meeting representatives from the Belgian chamber of commerce next week to talk about European scrutiny and how we perform, and to try to make them understand how systems work in different areas. People realise that understanding the process of scrutiny makes scrutiny better. That echoes a point made strongly by my late good friend, Robin Cook, the former Foreign Secretary, who said that good scrutiny makes for good legislation, and bad scrutiny makes for bad legislation.

Mr. Shepherd: That is an important point. In fact, it was considered by the Modernisation Committee under the leadership of its former chair, who is now Secretary of State for Justice. We were extremely sympathetic to it, and indeed the John F. Kennedy school of government programme for new members of Congress was referred to constantly. That point was transmitted, but it could not be put in any Standing Orders. We decided, in an abstract way, that it was a matter for the House authorities, or for the parties. Parties do not want to lose their control over such matters. However, the point is valid: we could provide real induction on business, so that new Members of Parliament understood the dimensions of the job, and were not funnelled into a particular course by either House authorities or parties, which feel that new Members should be mere soldiers on the green Back Benches.

Michael Connarty: I hear that heartfelt plea from the Back Benches and I am sympathetic to it. Having come from a position of prominence on the Scottish executive of my party and also having been the leader of a council for 10 years, coming to the House was a lesson in personal confidence destruction. As the hon. Member for Cheltenham (Martin Horwood) said, new Members come to the House, beg for a room or any

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sort of facilities, fumble around and, if they have a few friends, get some advice about how to survive in this place.

I remember someone saying—jokingly, I think—that when he asked one of the most senior Members on the Conservative Back Benches for the best piece of advice about how to survive as a Member of Parliament at the time, the reply was, "Get a big car, my boy", on the basis that he could claim 76p per mile for driving around in it. That was probably good advice, but not necessarily the most relevant information for a new Member.

I hope that serious consideration will be given to a programme of induction. We should set aside time to give new Members the kind of training that is given in the Congress. It is not right that parties should worry about whether that would make their Members less useful. They would just be better at their job.

Mr. Shepherd: That is why the Modernisation Committee argued for a greater gap between an election and the convening of Parliament, to allow that process. In the United States there is a period of two months in which to organise such a programme, whereas we can be sworn in and sitting as Members of Parliament 12 days after an election.

Michael Connarty: I have every confidence that the Leader of the House, whom I have known for a long time, will have listened to that and will, hopefully, think about it in the run-up to an election, whenever it is called.

Sir Peter Soulsby: Does my hon. Friend accept that a powerful case was made in Committee that it is not just a matter of the initial induction? Those of us who are comparatively new Members experienced quite a lot in a very short time. Some of us remarked, "Too much, too soon." There should be continuing development and continuing opportunities for Members to understand the business of the House and the ways in which they can usefully contribute to it, and to develop their skills, not just during that initial, very busy period.

Michael Connarty: My hon. Friend makes a good point. I know that he came from a distinguished career in local government in a much bigger authority than I was ever involved in, and he will have experienced the sudden vacuum of support and, at times, confusion that was described earlier.

All the interventions are relevant, but I shall return to my own topic. The European Scrutiny Committee received a letter from the Deputy Leader of the House about our request. It will be noted by Members that on 8 October I raised the matter, after the right hon. Member for Wells (Mr. Heathcoat-Amory) raised the topic of the European Standing Committees not being collapsed once again. We then wrote to the Leader of the House. I know that she has been slightly indisposed, and I am glad that she is looking hale and hearty today on the Front Bench. I hope that her good health continues.

We received a letter from the Deputy Leader of the House, which stated that

> "if the temporary arrangement is not renewed, the immediate effect would be that there are *no* arrangements".

That is entirely wrong. What would happen is that we would revert to Standing Order No. 119, which is quite clear. It states that there will be three Standing Committees, each having 13 permanent members, and that any Member of the House may attend and speak at a European Standing Committee, which is still the case.

With regard to openness, although we might not meet in public, it is the right of any Member of the House to request to attend our Select Committee as an observer, and the Deputy Leader of the House took advantage of that provision this week. Any Member can come and watch the business that we are transacting. It is not a secret from the House, but the information given by the officials is privileged and that should not be breached by its being given to the public. That is why when we print the chapters of our report each week, we put in the explanatory memorandum in full, but we do not put in the advice given by the officials to our Committee. That is right and proper and allows us to do our business correctly.

To stress what we have lost over the past two years, I point out that we had three Committees. European Standing Committee A dealt with Environment, Food and Rural Affairs; Transport, the Office of the Deputy Prime Minister, the Forestry Commission, and analogous responsibilities of the Scotland, Wales and Northern Ireland Offices. European Standing Committee B dealt with the Treasury, including Customs and Excise, Work and Pensions, Foreign and Commonwealth Office, International Development, Home Office, Department for Constitutional Affairs, including those responsibilities of the Scotland and Wales Offices that fall to European Standing Committee A, together with any matters not otherwise allocated. European Standing Committee C dealt with Trade and Industry, Employment and Skills, Culture, Media and Sport, and Health.

I have been out speaking to voluntary organisations throughout the country, who say, "Who do we speak to if some matter is coming through your Committee?" They cannot speak to members of the European Scrutiny Committee because we are not charged with the responsibility of discussing the merits of any proposal coming from Europe. We are charged with the responsibility of deciding whether something is politically and economically important. If it is considered important enough, after correspondence and evidence taking with Ministers, and we wish the House to be given the right to debate it, we request that it be considered on the Floor of the House or in a Standing Committee. We spoke earlier about the difficulties in getting Select Committee reports debated on the Floor of the House, and we respect the fact that this is a crowded period and a crowded agenda; indeed, the agenda will be even more crowded when we make room for topical issues. The Standing Committees are therefore vital. If they have a permanent membership, they will be the place where business, the voluntary sector or civic society can find a membership that is available to write to and can give information and try to influence their perspective, after which it is to be hoped that the merits of the issue would be discussed in the Standing Committees.

Mr. Redwood: Is not the big problem with scrutiny of European matters in this House the fact that the emphasis is on scrutinising measures after they have been agreed in Brussels, when one can deal only with minor details of the transposition from Brussels directive to British law? What the House really wants is a proper debate prior to the making of the agreement, with a view to influencing the Minister, who may be able to influence partners in Brussels.

Michael Connarty: I am amazed. I have great respect for the right hon. Gentleman, but he is entirely wrong. A Minister cannot go to a Council and agree a proposal until it is out of scrutiny, and it will not be out of scrutiny until it has been debated. The reality is that the more effective we are in persuading our Ministers to respect that scrutiny, the more we will have a substantive debate in the Standing Committees.

Mrs. May *rose—*

Michael Connarty: I think that I can anticipate what the shadow Leader of the House will say.

Mrs. May: I am grateful to the hon. Gentleman, who is being generous in taking interventions.

The hon. Gentleman will know as well as I do that there are numerous occasions on which Ministers do not observe that scrutiny reserve, but go to Brussels and take decisions before coming to the Scrutiny Committee with excuses as to why they were unable to meet it before they went to Brussels. My proposal to put the scrutiny reserve on a statutory basis would mean that they were unable to do that.

Michael Connarty: There have been many occasions in the past on which such things have happened. I can think of one Home Office Minister who behaved in such a way nine times in succession, but they were out of office very quickly. I do not know whether they left office for other reasons in their profile, or because they were taken to task and could not defend themselves before the Committee when we called for evidence from the Minister involved. The situation is improving, and it has improved year on year. I do not think that there are now many cases in which a Minister breaks the scrutiny reserve, apart from on a technical problem in respect of which there is an advantage to the UK in agreeing to a proposal, because holding it up would mean that it could not succeed in advancing its position correctly. I do not think that many people give anything away in the European Councils. One of my colleagues approached me recently to say that we needed to discuss many emerging issues on which it has been necessary to say again and again, "We cannot agree this because there is a scrutiny reserve on this matter in our House."

I think that we have a good system. People often plead in favour of the Danish system. That system is so rigid that the Danish have found many strategies to get around it. Again and again, we have found that the Danish will persuade others to move on a matter requiring a qualified majority vote so that they can get the proposal through and then say, "It wasn't us who did it; it was someone else. We held our line, but it went through." Such a process can become a transparent sham, and we must not adopt such a rigid system. We have a persuasive process, and it can be beneficial as long as the people in the Ministries and the Cabinet Office enforce it strongly.

I was trying to say how we collapsed the Committees because we could not report on the Modernisation Committee report. That was the wrong thing to do, because we have had two years of vacuum in which Members have been put on to the Committee on a random basis. I am told by a former Whip that it was called sharing the pain, instead of doing what they should have been doing, putting people on to the Committee to learn their trade—to learn how to do the job properly in relation to Europe and to understand how Europe works and what are regulations, directives and framework decisions. The issue is more imperative than ever, given that it looks as if the reform treaty will go through. It will shift the balance immensely, so we need to be much more aware—particularly of how to deal with the subsidiarity question, the yellow card and the orange card. People may be dragooned by the Whips, but if they do not understand, they will not be acting as parliamentarians on behalf of this Chamber.

John Bercow: On the principle that membership of the hon. Gentleman's Committee and others should be an opportunity not a punishment, does he agree that it is high time that we elected members of Select Committees?

Michael Connarty: I shall leave that hanging on the vine; it is of another vintage altogether.

On the process that we are going through, we made some great suggestions and the Modernisation Committee responded well to some of them. I thank the Leader of the House and all her predecessors who have tried to deal with the issue; we have had many behind-the-scenes discussions in which there has been good will in respect of advancing and getting things right. We could do that if we had the will of the House to carry it forward. Three months is not such a short time, given that we are so near a conclusion. I would have been more radical; in fact, our Committee made a more radical suggestion to the Modernisation Committee than the one being progressed.

Given the proliferation of other Select Committees mentioned in the report, it might be time to reduce the number of their members; that might make them much more focused and specific. We have always asked for five Standing Committees, to give a much more focused agenda; with five, there would be fewer sittings for each member and therefore less of a time burden on them, and there would be a more specific interest and knowledge base than at the moment.

However, we are almost there. I thank the Leader of the House for accepting our amendment and hope that by the time the issue comes back to the House in three months' time, there will be something that we can all support.

2.41 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I shall start by dealing with the matters mentioned by the hon. Member for Linlithgow and East Falkirk (Michael Connarty). I thank him for his work and that of his Committee. I support his and his

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colleagues' amendment, which the Leader of the House has accepted. I hope that we shall be able to accommodate the changes in the suggested period; I share his view that that should be possible.

I also agree that now might be the time to look again at how we formulate our Select Committees. I absolutely take the view that they should be elected by this place in a democratic process, but that they should probably be smaller. There should be fewer Members on them, but those Members should view their role as a key function of their work. The corollary is that Select Committee reports should have a prompt and automatic slot for consideration.

I understand the Leader of the House's response—there is a debate to be had on how to maximise the usefulness of Select Committee work. To me, it seems better that the report should be discussed more widely among parliamentarians before the Government formulate their final view; to put it bluntly, once the Government have a view, it is more difficult to shift it, for reasons that we all know about. The Leader of the House said that it might be better for the Government to formulate their view so that it could then be debated. I am fairly neutral on that; it is a discussion that we need to have.

I am clear, however, that we need smaller Select Committees, although they should still be representative. One reason they have been big has been party political representation; clearly, they should still be representative of the House and political opinion. If they were elected by the House, we would take a much more effective step from the Norman St. John-Stevas proposals of the late 70s; we would really have a Parliament in which Select Committees played their full part.

John Bercow: Is the hon. Gentleman similarly agnostic on whether debates on Select Committee reports should always be held in Westminster Hall? Might not some provision be made for those debates to be held on the Floor of the House? I have said to the right hon. Members for Neath (Mr. Hain), for Ashfield (Mr. Hoon) and for Blackburn (Mr. Straw) that it is most unsatisfactory that year after year we have Adjournment debates on defence in the UK, defence in the world or Wales, simply because the Government have no other business to debate in the Chamber. Why not debate an important Select Committee report on the Floor of the House?

Simon Hughes: I am not agnostic on that question; I share the hon. Gentleman's view. When Select Committee reports are concluded there should be a review, probably monthly, whereby one sorts the sheep from the goats—the big issues from the smaller issues—and ensures that they are all debated. The debates on the large, important issues should be brought here, and the others should go to Westminster Hall. Sometimes, two or three reports could be debated on the same day, where appropriate. However, it was nonsensical that the other day we debated eight or nine Public Accounts Committee reports on subjects ranging from the financing of the Olympic games to NHS IT contracts. All the issues were debated, but rather hidden away in terms of the agenda.

I would not argue against having a calendar so that people here and outside know when the key debates on certain issues are to be held. It was absurd that we had the statement on the pre-Budget report and the comprehensive spending review proposals but no debate afterwards, as happens with the Queen's Speech and the Budget. There were questions to the Chancellor, and that was it, yet we were discussing the Government's spending plans for the next three years. That should be debated and approved—there should be a vote at the end, as there is on the Budget, with the ability to amend it.

We rightly have annual debates on the armed services divided between the Royal Navy, the Royal Air Force and the Army, but there are other matters that we should debate annually. There should be an annual debate on Welsh affairs, Scottish affairs and Northern Irish affairs, but that does not mean that there should not also be much more specific debates. I share the implied criticism of the hon. Member for Buckingham (John Bercow) that we have a nonsensical system whereby the Government are sometimes scrabbling around for business when there are so many important, substantive and hard-edged subjects that should come before the House.

That is not meant to be a blast across the bows of the incoming Leader of the House, because she knows, I hope—I have already said it on many occasions since she has been in post and repeat it publicly—that I welcome her modernising tendencies and instincts in these areas. I am new in this post, as she is in hers, so this is my first opportunity to tackle this broad subject and pick up the matters that are on the agenda. I shall do so briefly, because people are keen that we do not overindulge ourselves.

Let me, like the right hon. Member for Maidenhead (Mrs. May), put the principles on the table, because they must govern our response. For me, we need a stronger Parliament. I have heard many Ministers, including the Leader of the House, say that. The balance between the Executive and the legislature has gone wrong, and we have ended up with Parliament that has far too little say. The implication is that we have to reorder what we do and the balance between Government and Parliament. We will never get that right, or as right as we are able to, unless we have a representative Parliament. Parliament is not yet representative in two fundamental ways: it is not representative in terms of gender balance, as the Lord Chancellor said today, or in terms of ethnic mix. That diminishes our opportunity to be a forum for the nation. Moreover, it is not politically representative because of our electoral system. I am confident that that will change. That does not mean that I am an unqualified supporter of going straight to a multi-member-seat solution—that would not get through this place, in my view—but we could have a representative Parliament without endorsing a system that loses the important link with constituencies. Roy Jenkins came up with such a proposal.

Today, we have discussed—the Leader of the House and the Lord Chancellor referred to it—how we ensure, as we must, that people participate more in democracy by being on the electoral roll and wanting to engage by voting; and their vote must not be discounted, as far too many were in Scotland.

We also need a much more participative Parliament. The fact that on so many occasions so few Members are here is not a tribute to a good system. There are some good points in the modernisation proposals that will address that. With shorter debates of 90 minutes on topical subjects, with shorter speeches, and with Members knowing that they are likely to be called, more Members will attend. Topical debates and questions will bring more Members into the Chamber. I commend many of the Committee's proposals. I am referred to on the Order Paper today as someone who has been nominated as a member of the Committee, on which I have not served before. I will be very happy to take part in its work—*[Laughter.]* I will be happy to do so if that is the will of the House.

I pay tribute to ideas for which I can take no responsibility or claim no credit. There are some very good ones, and I am sure that they will increase activity in the Chamber and Westminster Hall. Therefore, I and my colleagues accept the proposals; they are a positive way forward.

Mr. Redwood: Why does the hon. Gentleman think that, in the last election, more than twice as many people did not vote as voted Labour, and more than three times as many people did not vote as voted Liberal Democrat? Given that we know that PR elections lower turnout, what would he do about voters who do not like any political party?

Simon Hughes: I will be careful not to go off piste, as it were, into a debate about electoral reform, because I was trying to put my remarks in the context of what happens in this place. One of the things that lead people not to vote is that we often hold elections for different things on the same day.

Ms Harman: That increases turnout.

Simon Hughes: But in the end it means that people do not know the difference between different tiers of government and what they do. They become less well informed and vote for the wrong reasons.

We are in a country where people think that voting does not change anything because they feel that Government, once in office, do not listen, that Parliament rarely defeats the Government and that people are too subject to the Whips once here. As a Front Bencher, I say that it should be perfectly acceptable for the Government to be defeated on something. Unless it is a major issue of the Budget or a key proposal in the Queen's Speech, that should be a normal part of the course of events.

I am keen that, other than party manifesto commitments on which we stand for election, all the small print of secondary details of legislation and the many other things that the Government often introduce half way through a Bill should not be whipped. We should be able to form an independent view on them. If Members from all parties thought that we were free to take our own view and argue it—other than on matters on which we clearly stood for election—there would be much more interest and people would vote. I see the right hon. Member for Wokingham (Mr. Redwood) nodding. I am clear on this matter; people often think that they are voting for ciphers, who are sent here to do the will of their party leadership. That is not acceptable.

The other principle that the right hon. Member for Maidenhead (Mrs. May) hinted at, and I want to underscore, is that we are moving from Government deciding the business of the House of Commons to the House deciding its own business. I realise that the Government will be reluctant to let go, but we should decide our business, and we can then negotiate how the Government get their business into a timetable.

Mr. Shepherd: Where is that in the Standing Orders in front of the House? We all say, "Hallelujah" to that principle, but the Government reign.

Simon Hughes: That is my point exactly. The change is not here yet. The amendments to Standing Orders are welcome as far as they go, but there are many others that I would wish to see. The matter should be decided by a business Committee of the House, rather than a timetable determining when we take particular parts of business. The Government would have to negotiate, based on how many Bills they needed, how long they would take, and so on. Such a change would also, I hope, address the issue of the calendar. I am clear about that: it is nonsense. It is another small point, in reply to the intervention of the right hon. Member for Wokingham, that makes us less heeded and people less interested.

People live their lives according to cycles. A family with children knows that the schools year begins in September and ends in July in England or a bit earlier in Scotland. Business people work to a tax year and others work to a chronological year. We work to a ridiculous timetable, whereby we start—possibly—in November; we have holidays that do not fit family life in all parts of the UK equally, in that if they fit English school holidays they do not fit Scottish school holidays; we used to come back in September but now we do not; we attend party conferences, after which we return for an uncertain period, and then we have a week's recess between Sessions. That is nonsense.

We must be able to organise our timetable not only for us and the benefit of those who work here, but for all those who want to inform us and participate, so that we work when they work. They can thus plan their lives and there is a legislative sequence to events. It would therefore be logical to have fixed-term Parliaments. I am not theological about that, but, on balance, I believe that they are a good idea, not only for us but for the certainty of the public, local government, people whom Parliament funds through its votes, the civil service, people involved in political parties and those who are interested in voluntary sector organisations. Having certainty in such matters would help induce people's participation in the process and perhaps make them more willing to stand for election because they would know what they were letting themselves in for.

John Bercow: I agree with the hon. Gentleman, but may I politely put it to him that the proposal for establishing a business Committee to run the affairs of the House, with which I concur, needs to be made intelligible to people outwith the House who will be interested in our proceedings? Will the hon. Gentleman take the opportunity to underline the fact that, at the

[John Bercow]

moment, the content of the agenda for the House and the allocation of time for it are almost exclusively in the Government's gift? It is unsatisfactory and an independent-minded business committee could effectively change that.

Simon Hughes: I agree. The hon. Member for Aldridge-Brownhills (Mr. Shepherd) made the point in similar terms. It would be well understood if we put our case clearly that there would be a transfer so that decisions about the business would be made by an independent group of people, representative of all the parties. Of course, there would be party interest in one sense, but Parliament, not the Executive, would make the decisions.

If Parliament took control of the selection of its Select Committees, people would start to perceive it as earning its keep. As the Leader of the House and her predecessor, the right hon. Member for Blackburn (Mr. Straw), said today, the better the scrutiny, the stronger the legislature and the better the decisions.

The Criminal Justice and Immigration Bill had its Second Reading the other day and is subject to carry-over. That is nonsense because the measure has been introduced in one Session and the Government will amend it significantly in the next. We have suffered terribly from far too much legislation—quantity rather than quality. Of course, I appreciate that there is always pressure on the Government to introduce new legislation. However, the Home Office agenda shows that it has often legislated, repented of and had to undo its legislation. A few years ago, I discussed that matter in Finland, a unicameral Parliament, where the Government introduce draft legislation. That is considered and, if colleagues in the Parliament believe that it is not appropriate or that it has been covered already, there is often much movement. The Government often decide not to introduce part of the measure because they realise that they introduced similar provisions five years ago and that they need time to bed down.

If we are to do our job properly here, we must be able to persuade the Government to legislate less and do it more rationally and more for the long-term. Again, fixed-term Parliaments will help with that because the Government know how long they have and can plan their programme accordingly.

If we are to have a stronger Parliament and do our job better, there is a logic to having a smaller Executive. It is nonsensical that, because of the way in which the constitution has grown, the Executive and Parliament are not completely separated. They are partly separated, but partly together. Whenever a vote takes place, the approximately 100 Ministers and the perhaps 50 Parliamentary Private Secretaries—they are ballpark figures—who are on the payroll are spoken for. The reality is that the chance of Parliament being able to make a decision separate from the Executive is tiny. Of course I am not arguing that the Government should be entirely separate from the system—a bit like the French Parliament, where as soon as Members become Ministers they give up their seats—but we need to think about the issue. After devolution to Scotland, Wales and Northern Ireland—and, I hope, further devolution—we do not need a bigger Executive; we need a smaller Executive, which will be more effective, too.

Just three last points—*[Interruption.]* They are very short, and I hope that I am coming in well short of the time that the Leader of the House and the shadow Leader of the House took. I am not against the proposed Regional Select Committees, but they are no answer to the English question. I am clear that we have not addressed the English question in Parliament, and it will not go away, nor should it. We need to work out how we can have proper accountability and scrutiny of England-only business, just as there is now better scrutiny in other places of Scotland, Wales and Northern Ireland business.

Penultimately, there is a set of proposals, albeit not really on the agenda, from the Power report about the right of other people to initiate legislation and petitions. I welcome what is proposed on legislation and petitions as far as it goes, but we still do not give Back Benchers enough opportunity to initiate legislation. The opportunity for non-Government legislation to get through Parliament is extremely limited. That is partly because the Whips object, because it might take up time. However, if Parliament is going to be credible out there and, to answer the question that the right hon. Member for Wokingham asked, if people are going to think that it is worth voting, they have to know that he, his right hon. Friend, the shadow Leader of the House, I or other hon. Members can introduce legislation that has a chance of getting through.

A small postscript: I notice that Mr. Speaker has selected an amendment about whether we should use hand-held electronic devices in here to multitask, as the relevant section in the report puts it. Were the amendment put to the vote, I would vote for it. If we manage our affairs and are in this place for a shorter time, we cannot do what people increasingly do, which is to try to pretend that they are in one meeting when they are actually having one somewhere else. I am not a luddite or anti-technology—of course we all see the advantages of being able to receive messages—but we should not have a Parliament in which people are spending all their time doing their correspondence and sending e-mails. Hon. Members either come here to participate, debate, engage and listen, or they do not. I do not know whether anyone will move that amendment—some of its signatories are here—but if they do, they will have my support. Whether they do or not, I hope that Mr. Speaker will be rigorous in ensuring that we do not end up with a system where half the Members here might as well be in their offices, because all they are doing is playing with their electronic devices.

The world is plagued with more and more people with whom one cannot have a conversation, because they spend all their time looking at some blessed machine in their hand. There is time for machines, and there is time for conversation and debate. This should be a place for debate and better scrutiny, in a stronger Parliament. I hope that the measures before us are only the beginning of a radical programme of reform. If the Leader of the House can lead it, she will be supported on these Benches.

3.4 pm

Mr. Kevan Jones (North Durham) (Lab): The one thing missing from today's measures is a proposal to put time limits on speeches and contributions by the hon. Member for North Southwark and Bermondsey (Simon Hughes). We had to sit through his huge contributions on the Legal Services Bill Committee and were relieved when he was replaced by the hon. Member for Somerton and Frome (Mr. Heath), who made good points but in much less time.

The name "Modernisation Committee" always makes me smile, because if we were anywhere else, we would get done under the Trade Descriptions Act. Quite clearly, we are just playing around at the edges of reform, while many people out in the country do not understand some of the archaic ways in which we still operate.

I welcome the proposals for more topical debates. I had to chuckle, however, when I read that the main thrust behind the proposals was strengthening the role of Back Benchers. Naturally, I am greatly in favour of that, but if we are going to have more topical debates, we also need a system whereby Back Benchers can determine what those debates should be about. I agree with earlier comments that if we leave it to the Government to pick and choose through the usual channels, Back Benchers are unlikely to get the topical debates that they want.

Mr. Shepherd: The hon. Gentleman talks about Back Benchers determining debates, but they will not. Debates will be determined by the Leader of the House.

Mr. Jones: I am very concerned. The hon. Gentleman, whom I love dearly, usually follows debates very carefully, but I am now starting to think that he may be in need of some kind of hearing device. I was making precisely the point that he raised. I was arguing that Back Benchers should determine the content of debates, so that we can have more topical debates that are more relevant to our constituents, while also holding the Executive to account.

I agree with some of the more general arguments made about debates and I thought that the right hon. Member for Maidenhead (Mrs. May) made a very good point in saying that we looked at legislation too readily in departmental silos. Many current issues cut across several Departments. Looking at this place from outside, many would not understand that approach.

I am sorry to say that regional Select Committees are not featured in these proposals. There are outstanding problems in the scrutiny of a whole host of agencies—this certainly applies in my north-east region—such as regional development agencies, the Environment Agency and the Highways Agency, to name but a few. No one is actually looking into what they are doing. Before the north-east regional assembly was thrown out, we faced for a while the ludicrous position of having an unelected regional assembly. Its scrutiny of those agencies was frankly farcical, yet it cost the taxpayer £2 million a year. I actually welcomed the abolition, but it has now left a gap. If I were a regional civil servant on one of these quangos, I would be breathing a great sigh of relief that no one was looking into what I was doing.

When the idea of regional Select Committees was first announced, it was welcomed in all sectors. I know from talking to colleagues in different parts of the north-east that they saw it as an opportunity to scrutinise some of the bodies that exert a huge impact on the daily lives of our constituents but on which we Back Benchers or elected MPs can exert little impact. One good example is the regional spatial strategy.

Mr. Greg Knight (East Yorkshire) (Con): Will the hon. Gentleman tell us what type of regional Committee he supports? Does he support a Grand Committee-type arrangement in which every Member from a region is entitled to attend, or does he feel that only some Members from a region should be entitled to do so, or does he support a gerrymandered system whereby every regional Select Committee has a Government majority?

Mr. Jones: I will come on to that in a minute, if the right hon. Gentleman will indulge me.

The regional spatial strategy, as I was saying, is a good example. I have on previous occasions referred to a soviet-style planning system, which has blighted many constituencies, including my own, in respect of housing numbers, yet there has been no mechanism for me to engage with the problem as a Back-Bench MP. If regional groups of civil servants and others are coming together to take decisions affecting thousands of our constituents' lives, there must be a mechanism for us to get involved on behalf of those constituents. At present, there is no such mechanism.

I do not support the idea of a Grand Committee. I think that the civil servants and regional quangocrats would love it, because it would be no more than a talking shop, but I would like a Select Committee for each region that could hold the regional Ministers to account and ask for independent reports on the various agencies, as well as preparing its own reports.

The right hon. Member for East Yorkshire (Mr. Knight) claimed that the new Committees would be gerrymandered. I would like a continuation of the present system, which allows Opposition Members to chair Select Committees. Obviously, in some areas the new Committees would not have Labour Chairmen, but the Defence Committee, of which I am a member, works perfectly well under the chairmanship of the right hon. Member for East Hampshire (Mr. Mates), who is a Conservative.

Simon Hughes: Would the hon. Gentleman support a system whereby Committees represented the political make-up of their regions?

Mr. Jones: Yes, I would. If there is to be genuine accountability, elected Members of Parliament must be given a key role, and if the system works properly, it will not only ensure that the unelected and unaccountable people who currently make huge decisions are brought to book but will give a role to MPs.

My hon. Friend the Member for Leicester, South (Sir Peter Soulsby) mentioned funding. I have heard the argument before that the Committees would cost money, and that that should be a reason for us not to establish them. I am sorry, but I do not agree. If it is a question of funds, we should make them available to support the new Committees.

[Mr. Kevan Jones]

It has been said that the Select Committee idea has been kicked into the long grass. I hope that that is not true. I shall be supporting it vigorously, and I know that Labour Members from my region would be very annoyed if all that we had was a sort of Grand Committee talking shop that did not do the effective job that we—along with many members of the public sector, the business community and others in the north-east—want it to do.

Mr. Redwood: The south-east has a Conservative majority. Does the hon. Gentleman agree that if we decided that we did not want one of these things—if we wanted to get rid of a number of regional quangos, and give the power to local government where necessary—we should be able to do that?

Mr. Jones: No. As the right hon. Gentleman well knows, that would not be the role of a Select Committee. Its role would be to hold the quangos to account. That is a key point.

I have been a member of the Defence Committee for six years, and I agree that we need a system whereby reports are discussed not just in Westminster Hall but on the Floor of the House. It was said earlier that the reports would require Government responses so that there could be full debates on them. I am happy with that idea, but I believe that much good work is being done in Select Committees. The Defence Committee, for example, recently produced an excellent report on accommodation for the armed forces—a topical issue, some would say. In the last couple of weeks we have had two defence debates, on defence in the world and on procurement, but it would have been better for us to have a debate about that one report.

The Defence Committee produces yearly reports on both Iraq and Afghanistan. Those, too, are good reports, which the House should debate rather than holding generic debates that do not really go anywhere. The Committee also produces an annual procurement report. The way in which all Governments deal with procurement has always been a great scandal. If our annual report were discussed in the Chamber, not only would Members be helped to understand the process but civil servants and others who make decisions would know that those decisions would be exposed to debate on the Floor of the House.

The proposals are welcome. Someone referred to himself earlier as an über-moderniser. To get that title, we are going to have to go a long way further, but it is a start.

3.15 pm

Mr. Brian Binley (Northampton, South) (Con): I welcome the comments of the hon. Member for North Southwark and Bermondsey (Simon Hughes). I was delighted to hear of his support. I hope that his party might follow him if there is a Division on the matter. That would be helpful.

I am pleased to support the amendment that is in the name of my hon. Friends the Members for Macclesfield (Sir Nicholas Winterton), for Congleton (Ann Winterton), for Aldridge-Brownhills (Mr. Shepherd) and for Shipley (Philip Davies). They apologise for not being able to be in the House. They are on other parliamentary business.

Mr. Greg Knight: One of them is here.

Mr. Binley: I thank my right hon. Friend for pointing that out. I am sure that he will be used more effectively talking on the wider issues, rather than on the amendment. I am delighted to be able to help him to do that.

Let me read the amendment so that the House and those beyond understand what it is about. It proposes that the following words be added to the end of line 5:

> "but excluding the proposed acceptance of the Committee's recommendation 35, as set out in paragraph 31 of the Government's response, that the use of handheld devices to keep up to date with emails should be permitted in the Chamber."

We reject that recommendation totally. I remember when I was a young lad—I am sure that you, Mr. Deputy Speaker, will have similar memories—going to the cinema and watching western films. Some of the better films, including ones starring Gene Autry and Roy Rogers—I hope that I am bringing nostalgia back for you—showed saloons that stopped people at the swinging doors and asked that they left their guns at the doors. I wish that the Government had taken notice of that particular habit and asked all Members to leave their electrical devices at the door of this Chamber, on the basis that they could cause almost as much trouble as guns in the hands of cowboys in the old west.

Let me read the recommendation. It is on multi-tasking. It says:

> "Removing barriers to participation is important and the use of handheld devices to keep up to date with e-mails should be permitted in the Chamber provided that it causes no disturbance."

I have rarely seen a hand-held device that did not cause disturbance. People forget to turn them off and the things go off inadvertently—we heard of a case of that earlier. Indeed, I have been guilty of the same crime and you, Mr. Deputy Speaker, were kind enough to recognise that I was a new Member and treated me with great gentleness.

Sir Peter Soulsby: May I suggest that the hon. Gentleman cannot be particularly observant? Were he to have been more observant, he would have noticed on many occasions Members, no doubt with the Speaker or Deputy Speaker turning a blind eye, using such hand-held devices in the Chamber. Indeed I saw a prominent member of his own Front-Bench team using such a device comparatively recently. During an earlier debate, one Front-Bench Member was using one for a good 10 minutes. They were doing so discreetly and caused no disturbance to anyone. Indeed, they did so without the hon. Gentleman noticing.

Mr. Binley: I am grateful to the hon. Gentleman for that comment. I will refer to it a little later because I think that he is absolutely wrong in his assertion that the devices do not disturb. Not only do they disturb, but on occasions they stop participation. That is the point. What is this Chamber for? Is it for Members to participate, or is it for them to come here in a rather ad hoc fashion to do their homework, or to answer correspondence?

Mr. Stewart Jackson (Peterborough) (Con): Does my hon. Friend agree that our constituents will be astonished if the amendment is defeated? Given that we receive unprecedented financial support for secretarial and administrative help, there will be astonishment that hon. Members cannot organise their time appropriately so that they do not have to be checking e-mails when they should be holding the Executive to account, doing their job properly, listening and participating in important debates in this House?

Mr. Binley: That is the very point that I will make for the next three or four minutes—only for that long, I hope, in view of the fact that others wish to speak.

Mr. Redwood: Does my hon. Friend think that the Government may have an ulterior motive? Perhaps what they have in mind are controllers outside this House who will watch debates and send messages through to those who cannot think of their own interventions and questions because they want to stage-manage rather more.

Mr. Binley: My right hon. Friend has immense experience and is hinting that that may already have happened. Pagers have been used to give people hints on how to speak as well as act. That is not what this Chamber should be about.

The Committee's advice on multi-tasking related to more effective participation. It suggested that Members had called for the use of hand-held instruments and electronic instruments because it might make them more

> "willing to spend time in the Chamber… if they were able to do other work at the same time, either dealing with correspondence or perhaps even using a handheld computer or laptop to deal with e-mails."

Is that the purpose of the Chamber? Much of the massive Palace of Westminster is taken up with offices, yet we want to turn this place into an extension of those offices. That is nonsense.

Simon Hughes: There is all the difference in the world between getting a message, which has been permitted for a long time by using fairly antediluvian pagers, and communicating by e-mail. It would be unreasonable to suggest that people could not continue to get a message. That is different from spending our time communicating electronically when we should be here concentrating.

Mr. Binley: As I understand it, we have always received messages, normally in note form. It is important that that should continue. But should we really have the ability to have conversations with others outside when the prime objective of the Chamber is to be the debating centre of the nation? Do we really want television viewers seeing rows of people acting like secretaries in early 1950s films; great rows of MPs all bashing away on laptops? Is that what the Chamber is about? My argument will be that it is not. This is the debating Chamber of the nation and people should come to take part in that process, not be involved in so-called multi-tasking. How widely does multi-tasking extend?

Mr. Kevan Jones: I am really enjoying the hon. Gentleman's contribution. For someone elected in 2005, he gives the impression that he has been here a long time. It is refreshing that the Conservative party can still select individuals such as him. Does he agree that we are not talking about a row of secretaries? The mind boggles at the thought of the hon. Gentleman sitting with a typewriter anywhere.

Mr. Binley: My mind boggles too, Mr. Deputy Speaker, which is why I hope that you will support the amendment to ensure that that does not happen. May I also thank you for your kindness? You have been kind since I came to this place. Bringing a little wisdom and experience is not a bad thing. It seems that you are supporting even more of my ilk—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman is addressing the Chair, but none of those things can be true of me in these circumstances.

Mr. Binley: I understand totally, Mr. Deputy Speaker. Let us get back to the business of what this House is about.

We are talking about electronic devices not disturbing people. I have seen occasions when such devices have vibrated in people's pockets and the people vibrate as a result. Up they jump, and they fiddle about, putting hands in one pocket after another until they find their electronic device, by which time, Mr. Deputy Speaker is glaring at them and the whole House is looking at them. If that does not disturb and break up concentration, I do not know what does.

Furthermore, hand-held devices are becoming more all-purpose. They were initially simply telephones, but they are now mini-computers, providing the ability not only to communicate, as I have said, but to record, to take photographs and even to take video film. How does anybody distinguish between someone simply looking at an e-mail and their being involved in those particular activities? I put it to hon. Members that they would not want to have a video camera, under the guise of a telephone, pointed at them in some of their quieter, slightly more relaxed moments, and for the recording to be repeated and distributed on a cheap compact disc during an election in their constituencies. Such activity might arise if we were to be so lax as to allow hand-held devices in here. We should all be careful about that particular ability and about the growth in the functions of hand-held devices. They are contained in a small package and cover a number of activities, many of which we would not wish to see in action in this House. I maintain that we would not be able to stop such activities once such devices were able to be used on a permanent basis.

May I conclude by making the point that this Chamber is, as I have said before, about the debating of issues on behalf of the nation? It is a representative Chamber; indeed, we have a representative democracy. That is the very description of the parliamentary democracy in which we work. I want to ensure that this

[Mr. Binley]

place remains at the heart of that process, as a debating Chamber. I want it to be more widely viewed by the people of the nation. I also want them to be able to be more involved with their Members of Parliament—their representatives—in the argument, but that should not occur when we are in the Chamber.

This Chamber is where the elected representatives of Parliament make their points. They do so not as delegates or as members of a political party primarily, but as the elected representatives of the people of their constituency. They are chosen because they are deemed to have wisdom and experience which, if they use it independently, can make a worthwhile contribution to this place. I do not want a situation in which every time somebody wonders what he has to say, he looks at a hand-held telephone, or every time a Whip thinks that something is going wrong, they put a message through and 25 Labour or 25 Conservative Members then look at it and act differently.

Such situations concern me immensely, but I certainly do not want an opportunity for us to be filmed without our knowledge. I am not talking about the official process of filming, but about hand-held videos that are so small that one cannot tell the difference between them and a telephone. For that reason, I want all these instruments stopped at the Door. I want to take a lesson from the wild west: do not have pistols in saloons because they are dangerous; do not have electronic devices in the Chamber because they could be equally dangerous.

3.29 pm

Sir Peter Soulsby (Leicester, South) (Lab): I hesitate to follow the authentic voice of the luddite tendency, but I feel provoked to respond to some of the points made by the hon. Member for Northampton, South (Mr. Binley).

The Modernisation Committee's recommendations are very modest, especially where they deal with the use of modern technology by hon. Members in this Chamber. It is not suggested that hon. Members should be able to bring in their desktop PCs, or even their laptops, but that they be permitted to do what many already do while Mr. Speaker and the Deputy Speakers turn a blind eye.

Therefore, I repeat what I said in an intervention on the previous speaker. I shall not embarrass anyone, but on two occasions in this debate I have noticed two Members on the Opposition Front Bench using such devices. I mention them only as an example, as they used them discreetly and appropriately, and caused no trouble or disturbance at all to those around them. It is quite clear that they were multi-tasking, as described in the report, and keeping in touch with the world outside.

I suggest that hon. Members who come into this Chamber should not turn their backs on the modern world and the communications systems that are used in it. I believe that it is perfectly appropriate for hon. Members to be permitted, openly and overtly, to continue to do what many do already—that is, to use such devices in a discreet and appropriate way in this Chamber. If this matter comes to a vote, I very much hope that the House will reject overwhelmingly the calls from what I have described as the luddite tendency that we turn our backs on the appropriate use of modern communication technology.

I want to make only two other points arising from the debate. First, I echo what my hon. Friend the Member for North Durham (Mr. Jones) said about the excitement that many of us felt at the prospect of regional Select Committees. He gave examples of the bodies that exist already at regional level for which there is no adequate mechanism for accountability. Their numbers are legion, and they exist in every region of the country. A very significant accountability gap exists, and the proposals for regional Ministers and associated regional Select Committees are an attempt to address that problem.

As I did in an earlier intervention, I want to encourage the Leader of the House not to be discouraged by the very understandable concerns that have been expressed about the resource implications of regional Select Committees. I hope that she will recognise that they would fill that very significant accountability gap, but that they would need to have the necessary resources behind them.

I also agree with another point made by my hon. Friend the Member for North Durham—that regional Grand Committees would be a poor substitute for regional Select Committees. With only a small number of members, regional Select Committees would be clearly focused and well resourced, and able to hold to account the multitude of regional bodies that at present are not properly accountable to this House.

My final point has to do with the Modernisation Committee's proposals for topical debates, as reflected in the very welcome measures brought forward today by the Leader of the House. I understand the arguments made by various hon. Members today that the subjects for those debates should be chosen by ballot and, superficially at least, there is much to be said for that approach. However, the Modernisation Committee considered the matter carefully and ultimately concluded that the proposal that the selection should be made effectively by the Leader of the House, in consultation with the usual channels on both sides, was an appropriate mechanism.

Initially, that mechanism would be employed for an experimental period. The House would be able to see how it was working but, as has been noted, other mechanisms would be put in place to ensure that the Leader of the House reported on the subjects proposed to her, and that she was held accountable for the selections that she made. The suggestion that a ballot be used for that purpose was rejected because of the nature of the debates that it is hoped will take place under the proposal.

Mr. Shepherd: I am grateful to the hon. Gentleman—a distinguished member of the Modernisation Committee—for giving way. Although there was a vote on the proposal in the Committee, does not he think it was determined by those who owed loyalties elsewhere? The Committee is stuffed with Parliamentary Private Secretaries, former deputy Chief Whips and representatives of the Executive, so the two vital individuals who voted for a ballot were excluded. That is not careful consideration—it is the might of the majority.

Sir Peter Soulsby: I assure the hon. Gentleman that he and the colleague to whom he referred are not the only members of the Committee who can think for themselves. I and a number of others can do that, too, and we gave careful consideration to what initially seemed an attractive option. However, given that the subjects for topical debates are to be matters of

"regional, national or international importance",

we concluded that the proposed mechanism would ensure that was the case—and if it does not, the House will have the opportunity to reconsider the process.

John Bercow: Notwithstanding the savage ad hominem attack of my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) on our right hon. Friend the Member for East Yorkshire (Mr. Knight), and the comments of the hon. Member for Leicester, South (Sir Peter Soulsby) about people having a mind of their own and being willing to express their opinions, I put it to him in all seriousness that it is not simply a question of Members being independent: for the sake of the name of our democracy, it is important that they should be seen to be independent. Therein lies the problem in having Parliamentary Private Secretaries who palpably owe loyalty to the Government, upon whose payroll they sit, also sitting on the Modernisation Committee. Never the twain shall meet, I suggest to the hon. Gentleman.

Sir Peter Soulsby: I suspect that if I pursue the hon. Gentleman's suggestion at the length he invites me to do, Mr. Deputy Speaker, you would pull me up short and suggest that it was not something for debate this afternoon.

The proposals made by the Leader of the House in response to the Modernisation Committee are important steps to re-empower Back Benchers and reinvigorate the Chamber, although no doubt many Members want further steps to be taken. However, although we may want to go further in future, that should not prevent us from supporting the proposals today.

3.37 pm

Mr. Greg Knight (East Yorkshire) (Con): It is a pleasure to follow the hon. Member for Leicester, South (Sir Peter Soulsby). He and I started our political careers about 30 years ago, sitting on opposite sides of the Leicester city council chamber. It is still a pleasure to be sitting opposite him.

I agreed with most of the hon. Gentleman's comments, although I did not agree with his description of my hon. Friend the Member for Northampton, South (Mr. Binley) as a luddite. I would put it differently. My hon. Friend alluded to the film industry to demonstrate his point; if he were a film mogul, he would probably be the chairman of Nineteenth Century Fox.

I thank the Leader of the House for providing time for the debate. This is important business, dealing with reports from the Modernisation Committee, of which I am a member, and the Procedure Committee, which I chair. It will come as no surprise to the House when I say that I want to focus primarily on the Procedure Committee's report. I thank its members, of all parties, for giving up their time to serve on one of the least glamorous but nevertheless key Committees of the House.

The Leader of the House said that she wanted more plain language to be used in our Standing Orders. I can reveal to the House that the issue is on the agenda for future meetings of the Procedure Committee, and we shall look at it in depth.

The Procedure Committee report on early-day motions and petitions was published on 22 May, and brought together two inquiries, during which the Committee took evidence from Members and House officials. We visited the Scottish Parliament to look at its petition system, and held discussions with officials responsible for administering the No. 10 e-petitions website.

May I start by making a few remarks about early-day motions? They are often criticised. Members claim that there are too many of them and that many are trivial and tabled on unsuitable matters for debate. It is said that some are initiated by outside bodies and pressure groups. A number of Members told the Committee that they took the view that early-day motions were parliamentary graffiti. However, early-day motions actually allow Members to do several things that they could not otherwise do. They are an extremely flexible parliamentary procedure. They can draw attention to an issue that affects a single community, or even a single individual. They can also form part of an important regional or national campaign. Their popularity is evidence of their success and usefulness. The Procedure Committee was not persuaded that there were good grounds for limiting their number or scope. We believed that the disadvantages of imposing a new restriction, especially to individual Back Benchers, would outweigh the benefits.

The Committee went on to consider whether there should be a mechanism to allow some early-day motions to be debated. Of course, many early-day motions are not intended to be for debate, but are used for other purposes, such as to call attention to the work of a body—often a local charity—or individual. If some early-day motions were to be eligible for debate, it would be necessary to distinguish between those that were debatable and non-debatable.

There are various ways in which debatable early-day motions could be chosen for debate, but the Committee concluded that they all had disadvantages. The most popular suggestion was that the number of signatures received by an early-day motion should be the trigger for a debate. However, as someone who has served in the Whips Office, I am well aware that if we were to introduce such a rule, right hon. and hon. Members would be put under pressure not so much by the public, but each party's Whips Office, to sign a motion that was embarrassing to the party on the other side of the House and thus trigger a debate on the Floor. Such a system would permanently exclude minority parties from the opportunity of having an early-day motion debated. A large number of early-day motions that attract support from hon. Members on both sides of the House are those with which it is difficult to disagree, which would thus be unlikely to give rise to a lively or worthwhile debate.

[Mr. Greg Knight]

A further suggestion was a ballot of early-day motions, but that would lead to the tabling of multiple early-day motions on the same subject in the hope that they would be chosen for debate. Unless early-day motions were regularly weeded to exclude those that were no longer topical or had been overtaken by events, there would be a risk that the early-day motions chosen would no longer be suitable for debate.

We were then asked why, if there was to be a ballot, there should not be a ballot of Members rather than early-day motions. If that were the case, there would be no need to link the ballot to early-day motions at all, because Members should be free to select the subject of their choice. As many hon. Members will know, we used to have a ballot to select debates on private Members' motions before they were abolished in 1994. My Committee recognises the strength of the argument that the abolition in 1994 was a mistake.

It is a weakness of Parliament that a Back-Bench Member has no opportunity to initiate a debate on a substantive motion. We are one of the few Parliaments in the western world in which such a facility is not available. The Committee's report thus urged the Modernisation Committee to give serious consideration to recommending the reintroduction of an opportunity for Members to ballot for a motion of their choice. Indeed, it was largely at my behest that the Modernisation Committee went on to recommend that there should be an experiment, with such motions chosen by ballot being considered in Westminster Hall. However, for the moment at least, the Government have rejected that recommendation. I hope that the Leader of the House will be willing to keep her decision on the matter under review because Back-Bench Members of Parliament should be given the right to seek a debate on a substantive motion of their choice.

Moving on to petitions, the Procedure Committee inquiry was limited to public petitions, so we did not consider the procedures for petitions in respect of private or hybrid Bills, such as the Crossrail Bill, which of course are very different. We decided to look at the current position. A number of Members of the House told us at the outset that they find the current procedures for public petitions totally unsatisfactory. Some argued that once a petition was presented, it seemed to fall into a black hole. Nothing more was heard of it, and there was no feedback to the petitioners.

We looked at the evidence and found that although the Government do respond to most petitions, there is no obligation for them to do so. We discovered that well over 20 per cent. of petitions presented to the House do not receive a response from a Department. Of those that do, some of the responses were cursory and unhelpful. They often simply restated the Government's known position, adding nothing new. Many of them did not even answer the specific point that the petitioners were making.

Of course, any response is provided to the Member who presented the petition. It is up to him or her to pass it on to the petitioners. Petitions and Government responses to them are published once a week in a supplement to Votes and Proceedings—and those supplements must be strong contenders for the title of the House's most obscure publication. They are hard to find on the parliamentary website, and there is no effective way of searching for specific petitions, or Government responses to them. My Committee unanimously took the view that that is not good enough. Since 2005, following a recommendation of the Procedure Committee in the previous Parliament, all petitions have been forwarded to the relevant departmental Select Committee, but as we note in our report, informal surveys that we carried out showed that most Select Committees have rarely taken any action as a result of receiving a petition.

On the other hand, the system does have its strengths. All our witnesses—and, ultimately, all members of the Committee—agreed that having a Member of Parliament formally present the petition was an indispensable part of the system, which should not be lost. Members often advise the public on how to prepare their petition. Indeed, they may on some occasions steer a constituent away from the petition route if they feel that there are better ways for the person to pursue their objective. We felt that the requirement to find a Member to present a petition was useful and should be kept. Members can also act as a filter for trivial or inappropriate petitions.

As for our proposals, we took the view that it is far better to build on the strength of the current system than to recommend a totally new system. In our report, we suggested how to remove some of the weaknesses of our procedures. Our proposals are as follows. We propose that the Government be required to respond formally to all petitions within two months of their presentation. It was the view of the Procedure Committee that every petitioner should ultimately get an answer to their petition. The text of petitions and Government responses should be published in *Hansard*, and on a Friday, the time of the formal presentation of a petition should be moved to just before the end of the day—just before the Adjournment debate; that is when they are presented on other days. Access to petitions through the parliamentary website should be made easier, and there should be opportunities for petitions to be debated in Westminster Hall.

The Government have accepted all those recommendations except, regrettably, the last. I am grateful for the Leader of the House's support for the Procedure Committee's report, but I am disappointed that she was not prepared to add her weight to the proposal to add just one half-hour debate slot to Thursday's Westminster Hall sitting. That would provide a dedicated petitions slot, in which the presenting Member could discuss the petition and the reply.

Such a slot would have demonstrated that the House was now committed to taking petitions seriously, and it would also have served to concentrate Ministers' minds not only on their responsibility to reply, but on the content of the reply.

Although petitions are addressed to the House of Commons, the remedies that they seek can often be secured only through Government action, so proper Government responses to petitions are an essential part of any effective system. I am pleased that the Government have given an undertaking to respond to petitions. However, I am slightly concerned that the wording used by the Leader of the House is that normally, only substantive petitions should receive a response. Despite that wording, I hope she will issue guidance to Ministers that except in very exceptional circumstances, all petitions should receive a response, even if the response is to the effect that the issue raised is one for local government, rather than for national Government. That is none the less a response.

The hon. Member for East Dunbartonshire (Jo Swinson), who is no longer in her place, and one or two other Members have said that the Procedure Committee should have been more radical in its proposals for petitions, and that we should have suggested the setting up of a petitions Committee and an e-petitions system. To them I say, "Watch this space". We expressed support in our report for e-petitions, and we have said that we are going on to examine the practical and procedural implications, with a view to bringing a worked-up system back to the House.

The Government—I applaud them for this—have placed it on record that they are in favour of an e-petitions system for the House of Commons, and have encouraged us to complete our work on that as soon as possible. I can tell the Leader of the House that we have already made a good start. E-petitions to the House of Commons have the potential to make a significant contribution to the House's aim of improving how it connects with the public, but if e-petitions are to fulfil that potential, the system must be robust and properly resourced, and the House must be willing to listen to what the public are saying, which means that there may have to be some sort of system whereby certain petitions are then eligible for debate.

The petitioning procedure has for a long time been an obscure one and relatively little used. The proposals that the House is being asked to approve this afternoon will bring the petitioning system some way out into the light to make it more accessible to our constituents. But make no mistake—the introduction of e-petitioning will take us much further. If anyone doubts the potential impact of e-petitions, they should look at the No. 10 website.

John Bercow: My right hon. Friend is almost overflowing, like Vesuvius, with enthusiasm for the idea. Does he conceive of such petitions as an automatic trigger for debate? For if that is in his mind, I dare to bid caution that we do not end up creating, deliberately or inadvertently, a charter for professional activists, when we have not even got round to assuring, underpinning and extending the rights of Members of Parliament to trigger debates if they happen to occupy the Back Benches. That seems to me a more important and immediate priority.

Mr. Knight: I thank my hon. Friend for that intervention. Enthusiasm is not, of itself, a decision, and I would not wish to prejudge what the Procedure Committee may or may not decide in due course. May I underline to him that even in the realm of e-petitions, my Committee is strongly of the view that the link with the constituency Member should not be broken, because one can well see a scenario where, if e-petitions were allowed without a Member facilitating the petition going on line, candidates for all other parties in marginal seats might start bombarding the House with e-petitions to give the illusion that they are somehow responsible for some parliamentary activity. We are very conscious of the fact that the link with the sitting Member is important. Our initial thinking—we have not yet taken it to a formal decision—is indeed that if we are to recommend e-petitioning to the House, we would want to keep the link with the sitting constituency Member.

Partly for the reasons that I have just given, it will take the Procedure Committee a little more time to reach a conclusion on e-petitions, and I am sure the House will understand why we are determined as a Committee to ensure that any further proposals we make are robust and well thought through, and will prove to be effective and useful to all Members of this House in due course. Subject to the caveats I have mentioned, I commend the Procedure Committee motion to the House.

3.56 pm

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow my right hon. Friend the Member for East Yorkshire (Mr. Knight), who chairs the Procedure Committee with such distinction, and it is a tribute to his chairmanship that the recommendations from his Committee have been so consensual and robust that they have not so far generated a lot of controversy in this debate. I agree with what he said at the beginning of his speech, when he gently disassociated himself from our hon. Friend the Member for Northampton, South (Mr. Binley) on what is called multi-tasking. I think that that is a somewhat misleading title. All that is recommended is that

> "the use of handheld devices to keep up to date with e-mails should be permitted in the Chamber provided that it causes no disturbance."

It seems to me that that simply validates what has been the practice for some time, and I do not find it enormously controversial—

Mr. Binley *rose—*

Sir George Young: Although my hon. Friend clearly does.

Mr. Binley: No; my concern is not that the issue is controversial. My concern is whether my right hon. Friend recognises that hand-held devices go way beyond the simple act of e-mailing, and how he would control their uses so they are not used in a manner that he might not wish to see.

Sir George Young: I understand that, but it is not the proposition that is before the House. The proposition is that we should keep up to date with e-mails, and just e-mails. There is no proposition that we should take photos of each other during a debate or participate in any other mischief that might be done with the devices with which the Whips have very kindly provided us.

John Bercow: Will my right hon. Friend give way?

Sir George Young: I want to move on.

[Sir George Young]

If I may say so, Mr. Deputy Speaker, it is particularly appropriate that you are in the Chair, as the evidence that you gave to the Modernisation Committee clearly helped to inform its conclusions. Several hon. Members have referred to regional Select Committees. I think that that proposal would aggravate the problem that is before the Chamber this afternoon rather than alleviate it. It would be yet a further demand on the time of the hard-pressed Back Bencher and cut across the work of existing Select Committees. It would not provide proper accountability, as the regional Minister is not the budget holder for the money that is being spent in a region. As I indicated in business questions, I very much hope that the Government will not go down the regional Select Committee route, as I think that it would simply aggravate the sort of issues that we have been discussing this afternoon.

As is usual when we debate the work of a Select Committee, in one hand we have the report and in the other we have the Government's response. What is unusual today with regard to the Modernisation Committee is that both the report and the reply were drafted by the Leader of the House. It is like something out of "The Mikado", in which Pooh-Bah was lord high everything, and consulted himself in his various capacities. I do not think that W. S. Gilbert had Pooh-Bah as the Minister for Women and the chairman of the Japanese Labour party, but there is a certain incongruity and circularity in the process that has been gone through in putting the report before us this afternoon.

It is simply wrong that a report whose title refers to "the role of the back bench Member" should be drafted by a member of the Cabinet. Indeed, because of the abundance of talent from the Leader of the House and her predecessor, neither of them has ever spent much time as a Back-Bench Member of Parliament. That brings me to the first point that I want to make. Such reports should be produced by a Select Committee of Back-Bench Members of Parliament chaired by a Back Bencher. That is what happens in every other Select Committee, and there is no reason why it should not happen in the Modernisation Committee. I have made that point unrepentantly for several years, regardless of who was Leader of the House, and I am happy to say that I now have third-party endorsement.

Last week saw the publication of "The House Rules?"—a Constitution Unit report by Meg Russell and Akash Paun. It provides a worthy route map for the Modernisation Committee and I hope that Members will find time to read it. That report says of the process that we are witnessing today:

> "However, to sign up to the committee's"—

that is, the Modernisation Committee's—

> "conclusions, the Leader of the House must ensure they are acceptable to the government. This can easily be seen as in conflict with the principle that the House controls its own procedures".

Indeed. That process of securing approval from the Government in advance, before publishing the report, is an unacceptable constraint on a Select Committee. The Constitution Unit report goes on to say that if the reforms are adopted,

> "we see no need for the continuation of the Modernisation Committee. This should be merged with the Procedure Committee, under a strong backbench chair."

I can think of no better candidate for that post than my right hon. Friend the Member for East Yorkshire. It is simply wrong that the Cabinet Minister whose job it is to deliver the Government's legislative programme should also be the Chairman of the Committee that decides the process that that programme should follow in the House. That is a constitutional short-circuit that should set alarm bells ringing and red lights flashing.

That leads me to my second point, which is about the title of the report: "Revitalising the Chamber: the role of the back bench Member". The report should be about empowering Back Benchers—strengthening them, as my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) said. It is all very well to raise the Back Bencher's profile, to give him more speaking opportunities and make better use of his time, but does the report actually increase his authority? I am not convinced; it does not change the terms of trade between Parliament and the Executive.

Let me give a couple of examples of where I think the report should have gone further. I welcome the recommendations on Select Committees as far as they go, but the Chairman of a Select Committee should be able to present his report to the House on the day of its publication. He should be allowed to make a statement; I see no reason why Ministers should have a monopoly on statements to the House. Many Select Committee reports have been far more important than some of the statements that we get from Ministers—for example, the Rural Payments Agency report by the Environment, Food and Rural Affairs Committee and some of the Foreign Affairs Committee and Public Administration Committee reports.

At the moment Select Committee reports get time for debates, but debate time is worth less than statement time. Statements come early in the day and get much more media coverage. More Members will come in for a statement because they have a greater opportunity to take part than during a debate and can intervene without tying up half a day. Furthermore, statements on the day of publication are topical, whereas debates weeks after the Government have responded are not. If the issue were left to me, the Minister would have the opportunity to put a question to the Select Committee Chairman after his statement, just as we put questions to Ministers after their statements.

To continue with the same theme, the debates on Select Committee reports at the moment are Adjournment debates; they are often thinly attended and consist only of Committee members talking to each other. We should be able to vote on Select Committee reports and I am sorry that the Government cannot bring themselves to contemplate that. Voting on reports would give them a higher profile, concentrate the Government's attention on what was being said and engage the attention of a broader range of Members of Parliament. I accept that if the Committee members knew that their report was likely to be voted on, it might be more difficult to secure a consensus, but I think that a price worth paying.

The Government keep telling us that they are interested in making the Chamber more topical, but on Tuesday we debated the Members' fund when we should have debated the pre-Budget report and the comprehensive spending review. Vital Government statements of financial and political priority that set the parameters for the next three years are not being debated at all—and that from a Government who want to make the Chamber more topical.

I agree that we need less time on the Queen's Speech; many of the Bills in the next Session will have been carried over and will have had pre-legislative scrutiny. The Queen's Speech was announced in July; indeed, it was debated in July. The spontaneity of the Queen's Speech is not what it was, and we should recognise that it needs less time for formal debate after the Loyal Address.

The report includes a section about advice. If I can put on my "Standards and Privileges" hat for a moment and encourage Members to get advice, the Tea Room is very good for gossip but not always good for advice. The report recommends that Members should get proper advice from the right channels if they need it.

There is a big chunk about induction, which has not been touched on in the debate. I went to one of the induction meetings at the beginning of this Parliament. It was enormously valuable; I learned far more from that session with new Members than they learned from me. It is right that we make recommendations to improve the induction process.

Sir Peter Soulsby: In fact, induction was discussed earlier; several Members referred to it. The point was made that induction should not just be a one-off event when new Members are overwhelmed having just arrived—there should be an ongoing process of enabling Members to understand the business of the House and make best use of its procedures.

Sir George Young: I entirely agree. One can be invited to accumulate too much information in a short space of time—it needs to be over a longer period and regularly refreshed.

On length of speeches, I do not think that I have ever said to a neighbour, "That speech was too short", but I have had occasion to say—I may have said it earlier today—"That speech was too long." I endorse the recommendations on length of speeches. The report was kind enough to attribute to me the view that four eight-minute speeches are likely to be of higher value than two 16-minute speeches. I like the idea of moving time limits. It could be like the variable speed limits on the M25. As there is congestion, so the speed limit is reduced; as the Speaker or the Deputy Speaker sees that the debate is congested, so he could reduce the time available.

In a sense, time is what this debate is about. The Government's response says:

> "The report reflects…a careful examination of how backbenchers want to use their time to best effect and of the obstacles standing in the way of contributing directly to the work of the Chamber".

When I first got here, time was not a problem. We used to sit around waiting for the votes. By 10 o'clock in the morning, one had dealt with the constituency, the post had come in, there were no Select Committees, and one could devote time to the Chamber. Now, time is the most important commodity that we have. All the Select Committees should see whether they can reduce the pressure on Members' time, including the Administration Committee and perhaps even my own Committee. Why do we have to fill in that travel form every month and try to remember which tickets we used? How much time do we spend trying to get our swipe card to open some of the doors and turnstiles into the building? How much time do we spend chasing Government Departments for replies, or deleting e-mails from other people's constituents and all-party groups?

That brings me to my final point. All our activity is shoehorned into two and a half days. One of the proposals that I made to the Committee—one of the many that it ignored—would have stretched the parliamentary week and made Thursday a proper day. I think that Prime Minister's questions should take place on a Thursday. If it took place at 5 o'clock on a Thursday evening, the Chamber would now be filling up; but more importantly, it would make Thursday a proper parliamentary day when Select Committees and all-party groups could meet, instead of squeezing everything into Tuesday and Wednesday.

I like the report as far as it goes, but I would have preferred several recommendations to be taken further. Perhaps there will be an opportunity to revisit the subject during the remainder of this Parliament.

4.8 pm

Mr. John Redwood (Wokingham) (Con): I have no objections to the proposals before the House, but I cannot tell whether they will make a contribution to reviving democracy in this Chamber, because that will very much depend on the spirit in which they are implemented by the Government of the day. We have a majority-based system and I think that that is right. I fully accept that when a Government win a sizeable majority, as this Government have, two very important powers or privileges are extended to people who are Ministers. First, Ministers can do anything they like under the law with the moneys raised by the state, and with the Administration at their command, they can instruct officials to do whatever they wish. Secondly, if they do not like the law, they can change it in any way they like. Both of those great powers are great privileges and Ministers exercise them with care if they are sensible. All that they have to do in order to carry on exercising those powers is to ensure that enough of their hon. and right hon. Friends continue to support them at crucial times.

However, there is one other thing that they have to do. Every four or five years, they have to face the question whether the electors think that they have used their powers intelligently and well. We live in a country that has a great sense of fairness. The country feels that a Government are stronger for licensing dissent, debate and disagreement than they are for trying to close it down. We live in a country where people respect a Government who allow minority parties and interests in this House decent opportunity to give voice to their views, which may, on occasion, be the views of the majority in the country, not the views of the minority who voted for the Government.

[Mr. John Redwood]

The public also like to feel that the Government do not just afford the minority that opportunity in order to give vent to feelings, but are listening and seriously engaging with those different views. An intelligent Government, who wish to stay in power for a long time, have to understand that this is an intrinsically democratic country and that people expect give and take, and expect their Government to learn sometimes from those who oppose them, as well as those who advise and support them in good times and bad.

When I was a Minister, a group of Labour MPs launched a strong, interesting campaign, saying that there were too many quangos, that they had too many powers and that too many supporters of the Government were involved with them. I listened to that campaign and watched it for a while before I realised that it was right. Within the limits of collective responsibility and Government debate, I tried to move what I was doing in the direction of responding to those criticisms—cutting back the powers of the quangos, cutting their budgets and balancing up the appointments—because I thought the campaign was making powerful points.

Ironically, because those MPs were rather good at opposition, they often started opposing my measures to correct the initial problem, but they were right about that problem, and it was my job to fight it. If I had just decided that they were completely wrong and dealt with everything they said with a political put-down or a cheap point, or reminded them about the problems of the Labour Government in 1978, I would not have been doing my job properly. I would not have gained any respect from the people I sought to serve if I treated them as beings who had no right to a view, and assumed automatically that their view was wrong and decided that the way to deal with it was to make cheap political points about dim, distant past history.

The idea that we need topical debates is a very good test of whether the Government are new and more democratic in a way that the outgoing Prime Minister's Government were not. The Government have a choice. As they will effectively control what the topical debates will be about, they will, in any given week, have a difficult choice to make.

Most weeks there is a crisis in one Department or another. Most weeks, there is an illustration of bureaucratic mess or ministerial mistakes. Some weeks, Ministers are on the rack. The Opposition and many people in the media would like the topical debate to highlight that crisis or that Minister under pressure. That would provide excitement in the Chamber—somebody would be on trial. There could be a real consequence of the Minister doing very well, in which circumstance the Government would be strengthened, or the Minister doing badly, in which circumstance the case for getting rid of them is enhanced. If the Government are brave enough to do that, democracy wins. The Government may have a bad week or a good one depending on how skilful they are. If they duck such issues every time and say, "No, that isn't what we want by way of a topical debate; the debate will be on some worthy topic that attracts cross-party support because it is something nice to talk about", the proposals will fail to invigorate and improve our democracy in the way we are told they might.

Topical questions are a good idea. It is often frustrating to find that one's question has not come high up the Order Paper, and that all the questions that have could have been tabled in a county council chamber and relate to specific matters in specific constituencies, leaving no room for open questions that enable a Back Bencher to intervene on a matter of national interest. The report rightly gives instances of topical matters being well without the scope of the limited range of questions on an Order Paper. That means that departmental questions that month are a waste of time. The press and public, to the extent that they are watching, think that it is nonsense because a big issue faced the Department but it did not even come up in departmental questions. The press and public often claim that nobody bothered to ask about it. They do not understand that our procedures prevent Members of Parliament who are desperate to ask about the subject from doing so because nothing on the Order Paper enabled them to go in that direction.

The Government are set on dividing England into separate regions. They wrongly believe that that will prevent the English problem from growing. It is no answer to people who wish England to have some balanced treatment of its affairs to reflect the devolution in Scotland and Wales to say that it will have some regional treatment in the Palace of Westminster. That is a red rag to a bull and not a way to tackle the tension. I hope that the Leader of the House understands that it will incense people who are worried about the plight of England; it will not reassure them. She should also understand that it poses grave questions about whether the Government have any belief in devolution.

I am a Member of Parliament from the south-east, as the Government see it. Many of us in the south-east do not recognise it as a region. It is drawn so clumsily that it means that London is not part of it, yet people in my region look to London for shopping, leisure and employment. We have much conversation and many dealings with London. We have almost no links with places such as Kent and Sussex, which are in my region. There is no regional feeling—the region is an artificial construct.

Furthermore, the south-east happens to be the region in England that always elects a Conservative majority. My hon. Friends and I strongly object to wasting money on regional government. We do not want the regional assembly, the development agency, the regional planning system or the housing quangos. We want them to be swept away. When the Leader of the House suggests that we need a body to provide accountability for the unaccountable quangos, she faces a genuine dilemma. Those who represent the so-called region do not want the quangos. We do not want to make them accountable; we want to get rid of them. If any sort of public intervention or expenditure of public moneys is needed—we would prefer less of both—that should be done through elected local government, which is democratically accountable and has some sense of locality and belonging. We have no sense of that in the south-east region as a whole.

I look forward to seeing how the proposals bed down. They could be an important step in the right direction. If we had the right topical debates, the Chamber would fill up more, the press would be more interested and the public would realise that we were responding to more of the daily issues that worry them. If the question system worked better, that would reinforce the idea of topicality. If we want the Select Committee system to work well, I support the comments of my right hon. Friend the Member for North-West Hampshire (Sir George Young) that creating more Select Committees for bogus regions will detract from concentrating good people on the existing Select Committees and letting them do a better job. If the Government wish to strengthen Select Committees, they should not have more of them but give the existing ones more power.

John Bercow: On topical debates, may I underline the fact that I am persuaded neither by the arguments of the Leader of the House nor by those of my right hon. Friend the Member for East Yorkshire (Mr. Knight) against the notion of early-day-motion-triggered debates, or debates triggered by a secret ballot, which my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) advanced. What is my right hon. Friend's position on that?

Mr. Redwood: I tend to see early-day motions as parliamentary graffiti. I always point out to my constituents when they want me to sign them that they are meaningless, that they never get debated and that the Government do not take them seriously. Those things are all clearly true. I understand that some colleagues think that it could be possible to make early-day motions more significant. If someone came up with a working model for that, I would be prepared to consider it. I tend to sign the jokey early-day motions. If I notice an early-day motion congratulating a sports team that I support, I am happy to put my name to it, because it can do no harm and is obviously meant nicely.

Occasionally I sign serious early-day motions if there is no other way of making the point. I do not do so because I think that that is the best way to make the point—I know that it is the worst—but because it is sometimes a sign of frustration at the fact that an early-day motion is the only way left to make Ministers consider an issue on which we cannot get a debate or question. The big problem with early-day motions is that Ministers do not have to consider them, whereas if there is a debate in this place, a Minister has to come and answer it. If an hon. Member writes a letter to a Minister, the Minister—unfortunately, it is often someone on the Minister's behalf these days—has to write back. There is no such trigger with an early-day motion.

My hon. Friend the Member for Buckingham (John Bercow) might be right that it could be possible to devise a scheme for triggering debates if enough hon. Members signed an early-day motion. However, as my right hon. Friend the Member for Maidenhead (Mrs. May) said, there would then have to be a way of distinguishing those early-day motions that congratulate a soccer team on winning a game—I trust that most colleagues would not wish to spend an hour and a half debating such a motion in the House, pleased though they may be with their team's result—from one about a serious question that warranted debate. There has to be a filter, and ultimately that filter is the Government, because they have the majority and they will decide what will be debated.

The Government should see this debate in the context of the fact that a large number of people are disengaged from party politics of the kind that the three main parties offer and from how this place does or does not conduct its business, for the various reasons that others have already mentioned. If the House could have more topical debates, with more power, passion and real exchange, that would be good. However, that will work only if the Government wish it to work and if they come to Parliament with a certain democratic humility. If they want to live in a world where minority opinions can be forcefully expressed and will occasionally make an impact on the Government, our democracy will start to flourish. If they wish to continue with a system in which all minority opinion is briefed against and dealt with in a brutal and politically crude way that does not answer the question or point that that minority opinion is making, our democracy will not flourish and the House will be largely wasting its time.

4.22 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): It will come as no surprise to friends and colleagues in the House that I have reservations about the process by which we have arrived at this point. Anyone who has had sufficient time even to glance at the Modernisation Committee's report will see that it is now called "Revitalising the Chamber: the role of the back bench Member". The report started life earlier in the year as two inquiries. The one that interested me was the one into revitalising the Chamber, because I have been around and I have come to a conclusion. The revitalisation of the Chamber depends on the initiatives for debate and on the business of the House being controlled much more by the Members of the House, rather than through the partisan allotment of time by the Crown in Parliament—the Leader of the House, who, in the generosity of the new Government, combines several posts. I am glad to see her in her role as the Leader of the House.

We agonised over what to call the second and very important inquiry, because the then Leader of the House, who is now the Secretary of State for Justice, was conscious that we had to do something as a House about its standing. We came up with "Strengthening the role of the backbencher". We laboured long in this vineyard. The Constitution Society and the Hansard Society were mentioned earlier. I strongly recommend that people read the evidence given to the Committee. It is very good, reasonable and intelligent—everything that one would expect—and from it sprang certain interesting ideas. Unfortunately, many of them are a "back to the future" approach to life, inasmuch as it is difficult to reinvent the wheel.

One crucial issue relates to the all-encompassing Standing Order that effectively says that Government business takes precedence over all other business in this House—save for the days allotted to the Opposition and the Liberal Democrats and the time given to Back-Bench Members on Fridays for private Members'

[Mr. Richard Shepherd]

Bills. My hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) will recall as I do when we had something called private Members' motions. Any Member could enter a ballot for the ability to move a substantive motion and, if necessary, secure a vote on it.

That is the star role in the House. No Government want to surrender it, and certainly no Opposition posturing to be a Government want to surrender it. Not even the sub-Opposition hoping to be a Government want to surrender it. We are suppressed because, in some of the magic moments after Jopling had reported, successive Leaders of the House—they were Conservative—somehow did away with substantive motions proposed by Back Benchers on a ballot. They just went. They were bought off when the Opposition were offered yet more guaranteed days for these wretched three-hour debates in which it is virtually impossible for a Back Bencher to participate. It is all in the hands of those who hope to form the Government.

The Prime Minister, who made a statement on Monday, reassured us that all was well in the Scottish elections and that in any event we were all to blame. Would a Government table a substantive motion to discuss the actions of the present Secretary of State for International Development, the former Secretary of State for Scotland? Would the Opposition propose such a debate in a partisan spirit? There must be many Scottish Members—I am thinking of members of the Scottish National party, whose Benches are empty, and independent Members—who want to know why no Minister has been held to account, but where is the substantive motion? The Government are unlikely to choose to table one.

I think of how this House has handled the war in Iraq; I think of the vitality of the United States Congress in discussing such matters; and I compare it with the leaden way in which debate has proceeded here. In five years, we have had—I think—three debates on the war. Who could be responsible for that? Standing Order No. 41 gives the Government absolute pre-eminence in the selection of debates.

Let me quote what the Clerk of the House had to say about these matters. Page 51—to help those who ever read *Hansard*—of this sad report states:

> "The Clerk of the House pointed out that 'What back bench Members cannot do currently is initiate debates on a substantive motion which would enable them to test the opinion of the House on a subject at their own initiative.' He went on to say such a reform would be a significant strengthening of the role of a back bench Member. Reintroducing Private Members' Motions could also provide a vehicle for those who felt that there should be some mechanism for Early Day Motions to be debated."

Goodness!

Miss Ann Widdecombe (Maidstone and The Weald) (Con): Does my hon. Friend recall that in the days when we could move private Members' motions, we could even move them in respect of the business of the House? We could even move that the House sit beyond its normal finishing time on a Friday, for example, in order to consider something, and if the majority of the House so voted, that is what we would do. Was that not real power?

Mr. Shepherd: It is the very essence of what Parliament, or the House of Commons, should be about. The total blanket imposed by those on the Government and Opposition Front Benches who carve up what we shall do and how we shall consider things has brought us to our present parlous state in the public perception. "What is the point of Members of Parliament? They never talk about what is happening in the real world," people say ill-advisedly. It is two tin armies banging against each other, while the rest of us wander off somewhere else.

How will the report be interpreted by those who read it? I disagree with my hon. Friend the Member for Buckingham (John Bercow) about the suggestion by the Leader of the House that we should now be able to multi-task. The Leader of the House must have invented that expression in this context, because I do not think we used it in the report. It must be in the Government's response. Anyway, it is an extraordinary concept.

It may be that I am so underprivileged that I had a Neanderthal education, but the very essence of life, and of success in life, is concentration: concentrating on the issue at hand. The issue at hand in this Parliament, this House of Commons, is the making of laws. We go round in circles saying these things. We make laws that can have criminal intent. Can there be anything more serious than the thought that we will send someone to prison, that we will incarcerate someone? Ours is serious business—but we understand the boredom and tedium for the Front Benches. I see that the Leader of the House has already vacated her position. Presumably she is performing her role as Minister for Women and Equality, or perhaps she is planning another election campaign.

The Deputy Leader of the House of Commons (Helen Goodman): Will the hon. Gentleman give way?

Mr. Shepherd: Gladly.

Helen Goodman: May I just point out that the Leader of the House has been in the Chamber for some six hours, and needed something to eat so that she did not get a headache?

Mr. Shepherd: I am very glad to hear about her domestic arrangements; one is interested in that. The substance of what we are about, however, is her subject. I have been in the House when Home Secretaries have sat not just for six hours, as the Deputy Leader of the House has indignantly said, but for a whole debate. I saw Willie Whitelaw, when he was Home Secretary, sit through the whole of a debate on immigration policy, which is a very sensitive subject. He left only once for about a minute and a half, and I cannot imagine what that was for.

This is the banality into which the House has descended, and that we put up with it as Back Benchers is absurd. Here we had an opportunity—a real and genuine opportunity, if a small one. My amendment, which was defeated so narrowly by seven to one, was a modest proposal. I would read it out, but it is available to be read by those who are interested. It proposed just four a year, and the debates would not have been held on Fridays but during the week. [HON. MEMBERS: "Four what?"] Four motions, and which Members were to move them would be determined by ballot.

My hon. Friend the Member for Macclesfield unfortunately could not move an amendment in the Committee because he was absent, but his amendment was taken. All that it requested the Government to do was consider not arranging for Government statements to be made on Opposition days. There was another request: could the Government be a little more generous, and not impose the guillotine in such a rigorous way? The great Committee, on its knees, was affronted to think that something like this could be taken away from the Government, and voted it down.

John Bercow: Will my hon. Friend give way?

Mr. Shepherd: I hope my hon. Friend will forgive me if I do not. I have heard him and I am grateful for his interventions, but I know that the Deputy Leader of the House is anxious to set us right on the wrongness of our ways.

That is what it has always been about. Ten years into the Modernisation Committee, as my right hon. Friend the Member for North-West Hampshire (Sir George Young) said in his interesting and important contribution—there is no question about that—in the end, where do we go? We have been around these circles. The Modernisation Committee has been the instrument of the Executive, who have taken total control over the Standing Orders. The report shows us that. It is total control. It is set out. All Government business takes precedence, save for the few days—the crumbs—that are left to those below the salt. That is what it has achieved. If it did nothing else but that, it would gladden the heart of the most reactionary old "divine right of kings" in the Government. They have a divine right. They were elected. They tell me the Prime Minister was elected.

Mr. William Cash (Stone) (Con): He was appointed.

Mr. Shepherd: It was an appointment. My hon. Friend puts his finger on something that has been said both by my own Front Benchers and the Liberal Democrats. They said that we want to strengthen Parliament. It is an absurd proposition. Parliament is supreme. That is an important constitutional doctrine. In theory there is nothing one needs to do to strengthen it. It has all the powers. They are, however, not exercised by the Members of the House of Commons; they are exercised by the Executive. They are the Executive by the appointment of the Crown and they control a majority.

We see this Chamber merely in terms of majoritarianism. That is what it has descended to. I remember Whitelaw wanting to know, meet and head off and genuinely engaging in debate. When Douglas Hurd was a Member of the House, however outrageous my opinions were on freedom of information, he engaged with them. I think of the repressiveness of the Home Office. My goodness, looking back, the Home Office was a bastion of liberality compared with the hurried visitors through the offices of it now—authoritarian is being redefined even as we speak on the Floor of the House. *[Interruption.]* I give way to my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton).

Sir Nicholas Winterton (Macclesfield) (Con): I am hoping to get in; that is all.

Mr. Shepherd: I apologise. I thought it was my bounden duty, as if it were a three-line whip, to allow my hon. Friend to intervene.

I do not think that I will oppose any of this. Perhaps I will oppose the motion on the jangling machine in our pockets, as someone said. Even with the 90 minutes, the Government get the first 10 minutes, the Opposition get 10 minutes—up to 10 minutes, I was reminded by the Leader of the House—and the Liberal Democrats get six minutes. Then there may be a little winding-up session. By the time we have carved up the 90 minutes, what is left for the poor suckers, us the Back Benchers? To consider that a sincere, determined effort, as the former Leader of the House said, to strengthen our role!

We come to the present Leader of the House. Her first public act in this House was to suspend Standing Orders, in order that she could impose on the Home Affairs Committee the choice of the Executive as its Chairman. She has been the first contested Chairman of the Modernisation Committee as a consequence of that and rightly so. She has three roles. We talk about a new constitutional settlement. It is a joke. We hear the Secretary of State for Justice peddle those things. At the expense of the taxpayer—perhaps I should not be so derisory but it is at great expense—we produce a report wherein the wisdom lies in the submissions made to the Committee, not in the deliberations of the Committee. That is why the greatest possible opportunity for Back Benchers is snuffed out and passes away.

We could have done something that would have strengthened the role but that wily old Secretary of State for Justice sits there and says, as is said at every meeting, "There is no point at all in suggesting this, Aldridge-Brownhills. The Whips won't accept it." We have the absurdity of the Chairman, the Leader of the House of Commons, consorting with the Whips. That is the real world—not a world of aspiration or of ideals, but a world of practicality. The practicality lies in the Committee; it is its way of controlling the House of Commons. We should remember that in what we do.

John Bercow: There is no more impassioned or articulate speaker in the House of Commons than my hon. Friend, but although there are real grounds for dissatisfaction that some of the evidence given to the Committee was not accepted and that not all of the recommendations are quite as thoroughgoing as we would like, it is reasonable at least to consider the proposition that the glass if half-full rather than half-empty. There are good things in this report that the Government are commending and which the House will take forward. I do not think that one wants to take a view that the world has been going progressively downhill since the 11th century and probably for some period before.

Mr. Shepherd: I defer to my hon. Friend's knowledge of the 11th century. I am dealing with our immediate history; today, yesterday and the day before. That was an absurd intervention and I will now sit down and allow my hon. Friend the Member for Macclesfield to speak.

4.41 pm

Sir Nicholas Winterton (Macclesfield) (Con): First, I apologise for not being present for a major part of the debate; I have been chairing an important Public Bill Committee.

I am delighted to have heard my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), whose commitment to this House and to democracy is unequalled, as is his courage in advancing his arguments on behalf of Back-Bench Members. I agree with my hon. Friend, supported by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), about the importance of private Members' motions. They gave authority to Back Benchers—Government or Opposition—to move motions that were embarrassing to the Government.

Programming has not featured greatly today. Programming, or guillotining, is unacceptable. If Members who want to speak on an important Bill are not called on Second Reading or appointed to the Public Bill Committee, the only opportunity that they have to speak is on Report or during remaining stages. Even those stages are now subject to programming, which is fundamentally wrong. A Member must have at least one opportunity during the passage of a Bill to speak to it.

The report recommends that programming be kept under review and that the Government agree. I do not want that; I want a commitment that there will be no programming of remaining stages. We would then become much more democratic and the public would believe more in the House, because Members would be able to speak to—if not have influence over—Bills and could indicate their view or that of their constituents.

I say to the Deputy Leader of the House that there are quite a lot of good things in this report. I comment with some experience and knowledge. I have been on the Modernisation Committee since its establishment in 1997 and I am its longest-serving member, and I have also had the honour of chairing the Procedure Committee for the longest period that one is permitted to do so—in my case, that was eight years. I come to this debate with some experience and commitment. My final years in this House are being committed, and will be committed, to the integrity and sovereignty of this Chamber and the role of the Back Bencher. I want that role strengthened so that the Government are held more to account and people feel closer in touch with the House than they do at the moment.

4.45 pm

The Deputy Leader of the House of Commons (Helen Goodman): It is a great privilege to respond to this debate, in which so many hon. Members have spoken with such great passion. I congratulate all those who took part in the Modernisation Committee's work, both those who gave evidence and Committee members.

I would like to draw Members' attention to two particularly illuminating pieces of evidence. The first is the memorandum submitted by Professor Philip Cowley from the university of Nottingham. In both his oral and written evidence he touched on the myth of the golden era and the fact that Back Benchers are much more assertive now than they have been at any time since the mid-19th century. When describing the rebellions in the past 10 years, he said:

> "Such behaviour has continued since the 2005 election. Within the first year of its third term, the current Government were defeated four times in the House of Commons as a result of backbench dissent. No other post-war government with a majority of over 60 in the House of Commons suffered that many defeats in so short a time. Labour…dissent in the 2005–06 session ran at the rate of a rebellion in 28 per cent. of divisions".

I understand that the rebellion on the Iraq war was the largest since the difficulties that Peel had with the corn laws. We need to avoid engaging in too much myth making. It is clear, as Professor Cowley says, that Back Benchers are themselves strengthening their role. Clearly, the era of sycophancy is dead.

The second piece of evidence was given by one of the Deputy Speakers, Sir Alan Haselhurst. He most interestingly pointed out that the amount of time available to Back Benchers in Westminster Hall is more than 300 hours, which is almost three times what they had under the previous procedures. It is important that we have a realistic picture of what is going on, because that will allow us to make realistic and sensible improvements to our procedures.

I turn to the amendment tabled by the right hon. Member for Maidenhead (Mrs. May). She welcomes the proposed introduction of topical debates and topical questions, as I believe did every hon. Member who spoke, but she is asking the Government to publish on a regular basis—fortnightly—as a written ministerial statement, a record of what representations have been made. I think that what she proposes would be rather inflexible. That is not to say that it will not be necessary to look at how we can be open about what hon. Members have requested, but something as restrictive as a written ministerial statement every fortnight would probably prove impractical.

Mrs. May: I want the Government to make three commitments about topical debates. First, I want them to find a way of making known to hon. Members the subjects that have been proposed. We would thereby be able to see what decisions the Leader of the House took in choosing a subject. Secondly, I want the Government to find a way to enable Back Benchers to nominate subjects, so that topical debates are not discussed and determined only by Opposition and Government Front Benchers. Finally, I want the Government to commit to ensuring that topical debates do not eat into Opposition time.

Helen Goodman: We entirely accept the principle set out by the right hon. Lady; the matter really boils down to the modalities of how the information should be produced. We are completely open to Back Benchers nominating subjects, and my right hon. and learned Friend the Leader of the House pointed out that they could do so at business questions. If we have topical debates, the whole timetable will inevitably have to be looked at. At the moment, I am not in a position to say that all the time allocated to topical debates will come out of Government time.

Mr. Cash: Will the Deputy Leader of the House give way?

Helen Goodman: No, I am sorry. The hon. Gentleman has not been in the debate—

Mr. Cash: I was not able to be here!

Helen Goodman: Many other hon. Members have spoken and I want to respond to them.

The right hon. Member for Maidenhead said that she wanted topical debates to go beyond departmental silos. That is a very sensible proposition, and the matter will partly be in the hands of those who suggest the debates as well as those of the Leader of the House.

Mrs. May: I am grateful for the Deputy Leader's generosity in giving way, but I want to pick up on her saying that she cannot guarantee that topical debates will not be taken out of Opposition time. The point of such debates is that they give Members of the House greater freedom and increase the opportunity for debates that are not led by the Government. If they merely replace Opposition day debates and the time set aside for them, the House will be no better off.

Helen Goodman: I did not say that topical debates should replace Opposition time. I said that we will have to look at how the whole week is reshaped and that I could not guarantee that there would be no slicing of any Opposition time.

The right hon. Member for Maidenhead asked us to review the use of Westminster Hall, and my right hon. and learned Friend the Leader of the House said that she would do so.

My hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) spoke about the work of the European Scrutiny Committee. I attended a sitting very briefly yesterday, and it is clear that it does its important work extremely well. However, it is also clear that the processes are inadequate, which is why the Government are committed to looking at them again. It is also why we accept the timetable offered by my hon. Friend and other members of the Committee.

Many hon. Members spoke about the importance of induction, and we can all agree that that needs to be improved. Obviously, induction is not primarily a matter for the Government, but I understand that the Board of Management and the parties are already discussing how it can be improved. The hon. Member for Aldridge-Brownhills (Mr. Shepherd) intervened on that point to say that we should increase the gap between the election and the return of Parliament. In our written response, we say that we are prepared to consider favourably a probable doubling of the amount of time that has elapsed between the election and Parliament's return in recent years.

The hon. Member for North Southwark and Bermondsey (Simon Hughes) spoke about the role of Select Committees and the importance of debates on Select Committee reports, as did the right hon. Member for North-West Hampshire (Sir George Young). We do not believe that there could be sensible or coherent debates on reports before the Government had had an opportunity to respond, but we have agreed to look into a more measured timetable for considering them.

The right hon. Member for North-West Hampshire suggested that such debates should be on substantive motions. However, votes in Select Committees might have the opposite effect to the one the right hon. Gentleman wants. If Members knew that they would have to take part in whipped votes, it could destroy the bipartisan approach that most Members take in Select Committees and which produces such high quality scrutiny.

John Bercow: Will the Deputy Leader of the House allow?

Helen Goodman: I am sorry, but I do not have time to take interventions if I am to respond to the points raised by Members.

My hon. Friend the Member for North Durham (Mr. Jones) welcomed topical debates and gave us a good analysis of the accountability gap at regional level. With the Modernisation Committee, we are looking into regional accountability and the forms that can be used to deal with it.

The hon. Member for Northampton, South (Mr. Binley) made a passionate speech about multi-tasking and electronic devices and spoke to us as I often do to my children when I think they are not listening properly. On the emotional level, I am entirely sympathetic to the hon. Gentleman, but the Modernisation Committee, for all its weaknesses, is an all-party body and recommended those small changes. The Government have accepted the recommendations but it is for the Speaker and the House authorities to look at the practicalities, which will in part address the issue of disturbance to Members.

My hon. Friend the Member for Leicester, South (Sir Peter Soulsby), who is a member of the Modernisation Committee, spoke about multi-tasking, regional Select Committees and the benefits of topical debates.

The right hon. Member for East Yorkshire (Mr. Knight), who is the Chair of the Procedure Committee, gave a sensible speech and his Committee produced a sensible and helpful report. We agree with most of its recommendations. From time to time, the use of petitions needs to be reviewed and, as I am sure the right hon. Gentleman knows, in the 1270s Edward I had a special initiative to increase petitions because then, as now, the Government had a rosy picture of their performance and needed to be reminded of how things are perceived.

The right hon. Member for Wokingham (Mr. Redwood) and the hon. Members for Aldridge-Brownhills and for Macclesfield (Sir Nicholas Winterton) all spoke on important matters of principle—very sincere they were, too. The hon. Member for Macclesfield spoke about programming. I would like him to look at paragraph 122 of the report, where the evidence shows that programming has not had the dire effects that he described.

I would like to conclude by commending the motions to the House.

It being Five o'clock, MR. DEPUTY SPEAKER *put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [22 October].*

Amendment proposed: Amendment (a) to motion 1, at end add

'but excluding the proposed acceptance of the Committee's recommendation 35, as set out in paragraph 31 of the Government's response, that the use of handheld devices to keep up to date with emails should be permitted in the Chamber.'.—*[Sir Nicholas Winterton.]*

Question put, That the amendment be made:—

The House divided: Ayes 36, Noes 74.

Division No. 220] **[5 pm**

AYES

Amess, Mr. David
Anderson, Janet
Binley, Mr. Brian
Bone, Mr. Peter
Bottomley, Peter
Cash, Mr. William
Cormack, Sir Patrick
Davies, Philip
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Field, Mr. Mark
Greening, Justine
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hoey, Kate
Hollobone, Mr. Philip
Hopkins, Kelvin
Horam, Mr. John
Howarth, Mr. Gerald
Hughes, Simon
Iddon, Dr. Brian
Kaufman, rh Sir Gerald
Keetch, Mr. Paul
Malins, Mr. Humfrey
Murrison, Dr. Andrew
Prescott, rh Mr. John
Russell, Bob
Sanders, Mr. Adrian
Shepherd, Mr. Richard
Skinner, Mr. Dennis
Spicer, Sir Michael
Steen, Mr. Anthony
Stuart, Ms Gisela
Wilshire, Mr. David
Winterton, Sir Nicholas

Tellers for the Ayes:
Ann Winterton and
Miss Ann Widdecombe

NOES

Armstrong, rh Hilary
Baird, Vera
Baldry, Tony
Bercow, John
Blizzard, Mr. Bob
Bryant, Chris
Burrowes, Mr. David
Byers, rh Mr. Stephen
Caton, Mr. Martin
Cawsey, Mr. Ian
Cohen, Harry
Connarty, Michael
Cryer, Mrs. Ann
David, Mr. Wayne
Davies, Mr. Dai
Djanogly, Mr. Jonathan
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Ellwood, Mr. Tobias
Gibson, Dr. Ian
Goodman, Helen
Grieve, Mr. Dominic
Hall, Patrick
Harman, rh Ms Harriet
Hillier, Meg
Hoon, rh Mr. Geoffrey
Horwood, Martin
Howarth, David
Keeble, Ms Sally
Khan, Mr. Sadiq
Knight, rh Mr. Greg
Kumar, Dr. Ashok
Levitt, Tom
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Luff, Peter
MacShane, rh Mr. Denis
Maples, Mr. John
May, rh Mrs. Theresa
McCabe, Steve
McCarthy, Kerry
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Munn, Meg
O'Hara, Mr. Edward
Olner, Mr. Bill
Ottaway, Richard
Penning, Mike
Pound, Stephen
Redwood, rh Mr. John
Rosindell, Andrew
Ruddock, Joan
Salter, Martin
Selous, Andrew
Shaw, Jonathan
Sheerman, Mr. Barry
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Swinson, Jo
Taylor, Matthew
Twigg, Derek
Vaizey, Mr. Edward
Watson, Mr. Tom
Watts, Mr. Dave
Whittingdale, Mr. John
Wiggin, Bill
Willott, Jenny
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. Kevan Jones and
Sir Peter Soulsby

Question accordingly negatived.

Main Question put and agreed to.

Resolved,

That this House welcomes the First Report of the Select Committee on Modernisation of the House of Commons on Revitalising the Chamber: the role of the back bench Member (House of Commons Paper No. 337) and approves the proposals for changes in the procedures and practices of the House set out in the Government's response to the report (Cm. 7231), including the proposals for topical questions.

MODERNISATION OF THE HOUSE OF COMMONS (CHANGES TO STANDING ORDERS)

Ordered,

That in the next session of Parliament the following amendments to the Standing Orders, and new Orders, shall have effect:

(A) Topical debates

The following new Standing Order:

Topical debates

(1) A Minister of the Crown may indicate that proceedings on a motion, That the House has considered a specified matter, being a matter of regional, national or international importance, are to be conducted as a topical debate.

(2) A topical debate shall last for not more than one and a half hours, at which time the motion, unless previously disposed of, shall lapse.

(3) A topical debate shall be opened by a Minister of the Crown who, when called by the Speaker, may speak for up to ten minutes.

(4) A Member speaking on behalf of the Leader of the Opposition, when called by the Speaker, may speak for up to ten minutes either immediately following the Minister at the start of the debate or immediately before the Minister at its conclusion.

(5) A Member nominated by the leader of the second largest opposition party, when called by the Speaker, may speak for up to six minutes either at the start of the debate or before the Member speaking on behalf of the Leader of the Opposition or the Minister, as the case may be, at its conclusion.

(6) Members speaking under paragraphs (3), (4) or (5), when speaking at the start of the debate, shall be permitted to speak for an extra minute for each intervention they accept up to the same number as the number of minutes allocated to them to speak.

(7) The Speaker may direct any Member speaking under paragraphs (3), (4) or (5) to resume his seat when he has spoken for the period provided for in those paragraphs and paragraph (6).

(8) Time limits on speeches by other Members may be announced by the Speaker under Standing Order No. 47 (Time limits on speeches).

(B) General debates

(i) The following amendment to Standing Order No. 9 (Sittings of the House):

Line 31, at end insert ', or that the House has considered a specified matter,'

(ii) The following new Standing Order:

Amendments to motions to consider specified matters

Where, in the opinion of the Speaker, a motion, That this House has considered a specified matter, is expressed in neutral terms, no amendment to it may be tabled.

(C) Emergency debates

The following amendments to Standing Order No. 24 (Adjournment on a specific and important matter that should have urgent consideration):

Line 4, leave out 'to move the adjournment of the House for purpose of discussing' and insert 'that the House should debate'

Line 7, leave out 'discussed' and insert 'debated'

Line 15, leave out from 'made' to the end of the paragraph and insert—

'(a) the debate shall be held on a motion that the House has considered the specified matter; and

(b) the Speaker shall announce either—

(i) the length of the debate and the time at which it is to be held; or

(ii) that he will make such a statement at a later named hour during that sitting.

(2A) Proceedings in respect of a debate under this order may last not more than three hours and, at the conclusion of the time allocated to them, pursuant to paragraph (2)(b) of this order, the motion, unless otherwise disposed of, shall lapse.'

Line 23, leave out 'to propose to move the adjournment of the House under the provisions of' and insert 'make an application under'

Line 43, leave out paragraph (6).

Line 49, at beginning insert, 'If the Speaker announces that the debate will take place on the same day as the application is made,'

Line 49, leave out from 'postponed' to the end of line 52, and insert 'as the result of that announcement, may continue, following the conclusion of proceedings on that debate, for the same time beyond the moment of interruption as that taken by the debate, and'

Line 54, leave out from 'business)' to the end of the paragraph.

(D) Time limits on speeches

(i) Repeal of Standing Order No. 47 (Short speeches)

(ii) The following new Standing Order:

Time limits on speeches

47.—(1) The Speaker may announce that he intends to call Members to speak in a debate, or at certain times during that debate, for no longer than any period he may specify, and he may at any time make subsequent announcements varying the terms of an announcement under this paragraph.

(2) Whenever the Speaker has made an announcement under paragraph (1), he may, subject to paragraph (4), direct any Member (other than a Minister of the Crown, a Member speaking on behalf of the Leader of the Opposition, or not more than one Member nominated by the leader of the second largest opposition party) who has spoken for that period to resume his seat forthwith.

(3) The Speaker may announce, at or before the commencement of any debate (other than a topical debate) in respect of which he has made or intends to make an announcement under paragraph (1) of this order, that speeches by a Minister of the Crown, Members speaking on behalf of the Leader of the Opposition, and not more than one Member nominated by the leader of the second largest opposition party shall be limited to twenty minutes and he may direct any such Member who has spoken for that period to resume his seat forthwith.

(4) In relation to any speech, the Speaker shall add to any period specified

(a) under paragraph (1) of this order—

(i) one minute if one intervention is accepted, plus the time taken by that intervention;

(ii) two minutes if two or more interventions are accepted, plus the time taken by the first two such interventions;

(b) under paragraph (3) of this order, one minute for each intervention accepted up to a maximum of fifteen minutes.—*[Mr. Watts.]*

PROCEDURE

Resolved,

That this House welcomes the First Report of the Procedure Committee on Public Petitions and Early Day Motions (House of Commons paper No. 513); and approves the proposals for changes in the procedures and practices of the House set out in the Government's response to the report in Cm. 7193.—*[Mr. Watts.]*

PROCEDURE (CHANGES TO STANDING ORDERS)

Ordered,

That the following amendments to Standing Orders be made, with effect from the beginning of the next Session of Parliament:

(1) In Standing Order No. 154 (Time and manner of presenting petitions):

(i) line 5, leave out from 'be' to the end of line 6 and insert 'presented'

(ii) line 10, leave out from the word 'conclusion' to the end of line 19

(iii) line 20, leave out '(a) and (1)(b)'.

(2) In Standing Order No. 156 (Printing of petitions and of ministerial replies)

(i) line 4, leave out the words 'ordered to lie upon the Table and to be printed' and insert the words 'published in the Official Report'

(ii) line 7, leave out from the word 'be' to the end of line 9 and insert 'published in the Official Report.'.—*[Mr. Watts.]*

EUROPEAN STANDING COMMITTEES (TEMPORARY NOMINATION)

Motion made, and Question proposed,

That the Order of the House of 7th July 2005 relating to European Standing Committees (Temporary Nomination) shall continue to have effect in the next Session of Parliament.—*[Mr. Watts.]*

Amendment made: in line 3, at end add

'for a period not longer than three months.'. —*[Michael Connarty.]*

Main Question, as amended, agreed to.

Modernisation of the House

Motion made, and Question proposed,

That Mr. Paul Burstow be discharged from the Select Committee on Modernisation of the House of Commons and Simon Hughes be added.—*[Mr. Watts.]*

5.13 pm

Mr. Greg Knight (East Yorkshire) (Con): I understand that the motion is debatable, as we have reached it before 6 pm. Is the hon. Member for North Southwark and Bermondsey (Simon Hughes) willing to address the House, to tell us why he wishes to be a member of the Modernisation Committee?

5.14 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I had not intended to speak, but I shall say a few words. The short answer to the right hon. Gentleman's question is because I believe, as many other hon. Members said in the previous debate, that the House needs far more modernisation, and that we need a much stronger House of Commons. The House of Commons should be able to determine its own agenda, and we should be able to hold the Executive to account. All Back Benchers should be able to play a more effective role. That is my commitment. On the basis of that very short manifesto, I hope that I can be elected to the Select Committee on Modernisation of the House of Commons, even if I am not standing for other posts.

Question put and agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Monday 29th October, proceedings on the Motion for the adjournment of the House in the name of the Prime Minister relating to Burma may continue, though opposed, for three hours or until Ten o'clock, whichever is the later, and shall then lapse if not previously disposed of.—*[Mr. Watts.]*

Office of Foreign Assets Control List

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watts.]*

5.14 pm

Miss Ann Widdecombe (Maidstone and The Weald) (Con): I am very grateful to have the opportunity to raise the case of my constituent Mr. Ricks and the operation of the OFAC list. It may be that, during the course of my remarks, the Minister will wonder why I have not decided that this is a Treasury issue, but in fact I believe that the only action that can now be taken to assist my constituent has to be through the Foreign Office and the American embassy. At the end of my remarks, I shall also ask the Minister to widen this matter beyond Mr. Ricks and to consider the position in general of British nationals on the OFAC list.

In May 2007, Mr. Ricks, a constituent of mine, decided to do what millions of people do every year—sell his house and downsize. There was nothing particularly unusual in such a decision, and he sold his house, realising the sum of £800,000. He was not yet ready to buy the house into which he wished to downsize, so he very sensibly did what millions of people do when they have money that they are not going to use immediately, and decided to put this very considerable sum on deposit in order that it should earn him money until such time as he came to use it to buy a house. There is nothing at all unusual in that; as I say, millions of British citizens will be doing the same thing in any given year.

Mr. Ricks looked around for the best deals. His own bank was the National Westminster, where the £800,000 was held at that time. He decided that Abbey had the best deal, so he wanted to transfer his money from the National Westminster to Abbey. Again, most people would say, "So what?" Such a transfer is also something that millions of people do every year. They switch money between one financial institution and another in order to get a better deal.

In May 2007—I repeat that this took place in May—Mr. Ricks authorised the National Westminster to transfer to Abbey £800,000. That was done through a method called a CHAPS—clearing house automated payment system—transfer, which he was assured was the most secure method. The money never arrived at Abbey. Seemingly, it had disappeared into the ether. I ask how people would feel if all their money—our houses are where most of us have our money—which is their security in retirement and their only means of equipping themselves with another house, disappeared into the ether.

Much worse was to follow. Mr. Ricks assumed, as I, and I think the Minister too, would have done if it had happened to us, that there had been a mistake and the money had been lost in transfer, that it was okay and that either NatWest or Abbey would find it, and it would come back. That is a perfectly reasonable attitude for him to take, but in fact he could not find out what had happened to his money. The transfer was completed on 15 May, but nobody could explain where the money had gone. Abbey could not, and I have to say that I consider that it treated Mr. Ricks rather poorly, because it more or less shrugged and said that it could not explain it; the money had never arrived, and it could not say what had happened.

However, it transpired—under some pressure—that the money could not be transferred directly from the National Westminster into Abbey, as my constituent had quite reasonably assumed and as I would have assumed; Abbey did not have the necessary clearing arrangements to deal with the CHAPS transfer, so Citibank dealt with it. Again, one might think that there is nothing very odd about that; it was just that a third financial institution had become involved. Naturally, representations were made to Citibank—where was the money?

Eventually, Abbey told my constituent the not-wholly-correct information that the money was being held by Citibank—that much was true—and that it was being checked for evidence of money laundering because it was such a large sum. At that stage, I intervened with the chairman of Abbey and discovered that the money was being held by Citibank because Mr. Ricks was on the OFAC list. OFAC has no legal force in this country, only in the United States, but because Citibank is US-owned, it froze a transfer of money within Britain from one British bank to another and it took many weeks for my constituent even to find out why it had done that. To be fair to Citibank, when it told the NatWest in May that it could not process the money, it said why, but that information was not passed to my constituent.

So at that point, the money is arbitrarily frozen by Citibank. My constituent employs a solicitor and goes to the ombudsman. After 10 weeks, the ombudsman says that he cannot help; a barrister contests that, and it goes back to the ombudsman, who again insists that he cannot help. Meanwhile, what is happening to my constituent? He has no money; it has been arbitrarily taken from him. He is homeless—well, he is in a bedsit.

Why did Citibank take his assets? It was because 20 years ago—not last year or the year before—my constituent had had business dealings in Iraq. I have supplied the Minister confidentially with the details of that involvement, which certainly had nothing to do with helping Iraq, but a lot to do with helping the British Government at the time. Be that as it may, he has not had involvement in Iraq for a long time.

By July, we got the first instruction, which was that an application to be removed from the OFAC list should be completed by my constituent. He did that right away, as one would imagine. Here we are in October, and my constituent has still not been taken off the OFAC list and still does not have his money—let alone the interest that should have accrued while he held it at Abbey. On 18 September, I received what I regard as a not terribly helpful, if not dismissive, letter from a Treasury Minister telling me that this was a matter for the US embassy. I had already managed to work that out; I had written to that embassy on 3 August. No reply was ever received. I have to say that on the not very many occasions—although there have been some—when I have had to deal with the US embassy, its reaction has been characterised by, to say the very least, a failure of alacrity; I hope that the Minister was listening to that.

On 26 September, we wrote a chasing letter to the embassy, which said that it had no record of the first letter. In October, the ambassador finally replied. He told us what we already knew: the money was held in Citibank and the only way to get it back was for my constituent to come off the OFAC list. The ambassador also said that it was a matter for the US Treasury Department and not for him. That was it. I have to say that I am running out of excuses for America. It seems to me that it is extremely high-handed and arrogant, and does not care too much for individual citizens who do not happen to be US citizens. There has been absolutely no positive result from my contact with the embassy.

That is why I am asking the Minister if she will do two things. I will be most interested in her response to this situation. First, will a Minister—because the embassy is not taking any notice of me—make urgent and direct representations to the United States ambassador on Mr. Ricks's behalf. I think that the Foreign Office, together with the Treasury, should consider whether we are prepared to tolerate a situation in which money transferred between one British bank and another can be impounded on the say-so of the United States Government. I also think that we should ask the US Government if they will contact all British citizens on the OFAC list; ensure that they are aware—as Mr. Ricks was not until this happened—that they are on the OFAC list; ensure, in turn, that they are aware that if any of their assets, even from house sales, should fall into the hands of any American institution, they could be impounded; give each and every one of them the opportunity to apply for discharge from the OFAC list; and do so without having to wait for any further cases of this sort.

I also think that the Treasury and the regulators should look very carefully at the operation of Citibank in this country, and at why money that was simply passing from one British bank to another should be under the control of anybody except the regulators and the law of this country. I appreciate that the Minister's Department is only half of this story, because the Treasury is the other half—I am sure that she will pass my comments on to her colleagues there—but I would be grateful if she would promise me that really serious representations will be made to the embassy and to the US Government, first, on behalf of Mr. Ricks, and secondly, on the propriety of that Government's controlling money passing lawfully between institutions in this country.

5.27 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): I congratulate the right hon. Member for Maidstone and The Weald (Miss Widdecombe) on securing this debate on an issue that affects her constituent. She asked several questions, and I will do what I can to answer them.

As the right hon. Lady outlined, someone who is on an Office of Foreign Assets Control sanctions list and whose funds have been frozen by a US bank has two possible remedies. First, they, or the bank holding their funds, can apply for a licence from OFAC permitting their funds to be released. There is guidance on the OFAC website about how to apply for a licence. Secondly, if the individual believes they have been incorrectly or unjustly designated by the US, they are

[Meg Munn]

able to apply to OFAC and request that they be de-listed, as the right hon. Lady's constituent has done.

Supporting the UK economy and business through an open and expanding global economy is one of the Foreign Office's key strategic priorities. We firmly support an international rule-based system within which to conduct business. The challenge for the Government is to assist British nationals coming into contact with foreign businesses and Governments.

The concept of extraterritorial jurisdiction relates to the wider issues that the right hon. Lady mentioned. It raises important questions about state sovereignty and the limits that international law places upon the reach of domestic law. In order to prevent conflicts between jurisdictions, international law has developed widely accepted grounds on which a state may exercise its jurisdiction by prescribing and enforcing its laws. The primary basis of jurisdiction under international law is territorial and states may also extend their laws to their own nationals wherever they may be. In certain circumstances, states may exercise their jurisdiction to regulate the conduct of non-nationals abroad when their own vital security interests are threatened. In some areas, the US has adopted a broader view of the extent of its own domestic jurisdiction, taking the view that it is entitled to exercise jurisdiction over the activities of non-nationals abroad merely because they have effects within US territory. For example, in the anti-trust field, the US has assumed jurisdiction over transactions, wherever and by whoever they take place, that have effects in the US.

Over the years, the UK has repeatedly disputed the proper extent of US jurisdiction in this field. The US also assumes broad extraterritorial jurisdiction in other areas, such as the Foreign Corrupt Practices Act, which permits criminal suits in respect of corrupt activity where only an element of it takes place within the US. The jurisdictional reach is very broad, as it encompasses acts committed by non-US nationals outside the US, regardless of any US security interest or effect within the US. The British Government have a strong commercial and legal interest in challenging broad assertions of extraterritorial jurisdiction by US courts, including under the alien tort statute, but currently intervene only on a case-by-case basis. I can tell the right hon. Lady that the Government have recently intervened in the US courts to express our concerns about the assertion of extraterritorial jurisdiction under US law.

The US is, of course, a key partner in our mission to support effective and fair international economic rules and standards. The Foreign Office understands why the US Office of Foreign Assets Control has put in place the kind of measures it has for trade sanctions based on US foreign policy and national security goals. Equally, in the UK, binding United Nations embargoes are implemented by the refusal of export licences for the export of the relevant goods and technology on the "military list" that forms part I of schedule 1 to the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003. In addition, the supply of such items from the UK, or supply abroad by UK-registered companies and nationals is prohibited by various Orders in Council made under the United Nations Act 1946. It appears that the right hon. Lady's constituent's funds have been frozen under US legislation of a similar nature.

On the principles for Government intervention in extraterritoriality cases, the right hon. Lady raised very important issues that the Foreign Office is considering. In conjunction with other Departments, we are close to approving a set of guiding principles, drafted in September 2007, for dealing with extraterritorial cases, which will further clarify the Government's position.

In relation to the right hon. Lady's constituent, I am sure that she agrees that it is important that the Government are able to track the international flow of money as an essential tool in combating terrorism and international crime. I understand that the right hon. Lady's concerns relate to something that appears to have happened solely in the UK, but there are a number of questions to which I would need the answers in order to assist the right hon. Lady and her constituent. Were the constituent's funds transferred to the US or did they remain within the UK at all times? Which entity is holding the funds? Is it a UK or US-registered company?

Miss Widdecombe: I am grateful to the Minister, but my constituent cannot answer those questions. He does not know where his money is. It was last seen in his account in the NatWest. He does not know whether it has been here all the time or whether it has been whizzed out to the US. He transferred money from the NatWest to the Abbey. That could not have been more British, and the transfer went via Citibank. He does not know where it is; I do not know where it is; the American Government know where it is. All I want the Minister to do is to shake them into giving it back to him.

Meg Munn: I understand the right hon. Lady's frustration and that of her constituent. Clearly, I would expect the banks to answer the questions. After all, the right hon. Lady's constituent is a customer of the bank and the bank should respond to such matters.

However, the right hon. Lady recently wrote to the Foreign Office about the matter and I am wary of saying more on the Floor of the House without having all the relevant facts. On that basis, I invite the right hon. Lady to come and see me and discuss in more detail her constituent's case and the transfer of the funds. I will try to do whatever I can to assist.

Question put and agreed to.

Adjourned accordingly at twenty-five minutes to Six o'clock.

House of Commons

Monday 29 October 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Community Sport (Funding)

1. **Mr. Stephen Hepburn** (Jarrow) (Lab): If he will make a statement on funding opportunities in sport for local communities. [160998]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): Sport England is the Government's lead agency for delivering investment into community sports. It makes lottery and Exchequer funding available for sport in local communities through its community investment fund, the National Sports Foundation and the community club development programme.

Mr. Hepburn: I congratulate the Minister on the work that he is doing for grass-roots sport throughout the UK. However, I remind him that in April this year, the then Secretary of State made a commitment that local, grass-roots sports clubs would not be affected by any diversion of funds to the Olympics in the south-east. Is the Minister willing to confirm those assurances?

Mr. Sutcliffe: I thank my hon. Friend for that question. Clearly, the Government are committed to grass-roots sports; through the community amateur sports club initiative and a great deal of investment in school sport, we want to make sure that we get to the grass roots. However, the 2012 Olympics will clearly be important and it is important that we fund them appropriately. We need to make sure that we meet the budget announced in March this year. I am sure that the lottery order will be debated in the House with a great deal of verve, and I look forward to that debate.

Sir Nicholas Winterton (Macclesfield) (Con): Would the Minister accept that there are very many talented and able people in the north-west as well as in the north-east of this country—not least in my constituency of Macclesfield? Is he aware that many people are deeply concerned that too much money will be allocated to London and the south-east, thus depriving other vital areas of investment in sport, which is so important if the whole country is to benefit from the Olympic games in 2012?

Mr. Sutcliffe: The hon. Gentleman makes a valid point. Although we know that the games will be here in London in 2012, it is important that the whole country should benefit from the Olympics being in the UK. Some 79 per cent. of UK citizens believe that it is a good idea for us to hold the 2012 Olympics. With the help of governing bodies and local authorities, we will make sure that a sporting legacy exists from 2012. I shall work with the hon. Gentleman in the north-west and colleagues all over the UK to make sure that we benefit from the enthusiasm for the Olympic games.

Mr. Jamie Reed (Copeland) (Lab): Will the Secretary of State return to Whitehaven in my constituency to evaluate the digital switchover programme—

Mr. Speaker: Order. I will call the hon. Gentleman during the next question.

Mrs. Madeleine Moon (Bridgend) (Lab): Local communities in my constituency benefit from the support given by many adults who give up their time to train local teams. Does the Minister agree that, as an important priority, local authorities must also invest in the changing facilities that will allow local teams to compete in local derbies, so giving a clear message to parents and adults who invest their time that local authorities are also investing in young people?

Mr. Sutcliffe: I heartily agree. Local government plays an important role in the provision of sport through the playing fields infrastructure and making sure that we have sports centres. My hon. Friend makes a valid point about the role of coaches; that is why my right hon. Friend the Secretary of State has announced a £5 million investment to increase the number of coaches. Given that and the announcement on school sports, coaching will be key in the UK. Clearly, we will want to support those volunteers who are level 1 coaches and want to aspire.

Digital Switchover

2. **Mr. David Anderson** (Blaydon) (Lab): What steps he is taking to ensure that older people will receive appropriate support in the digital switchover programme. [160999]

The Secretary of State for Culture, Media and Sport (James Purnell): The BBC has helped establish and funds a £600 million help scheme, which will assist the over-75s and those with significant disabilities, including the blind or visually impaired, to convert to digital TV services. Help is free of charge to the poorest households—those on income support or pension credit. Others will pay a £40 charge.

Mr. Anderson: I thank the Secretary of State for his reply, which explains how people will access digital services after the switchover. However, people are worried about not only how they will get them, but what will be on them. In my area, one of the things that people are worried about is the loss of real, local news, and regional television programmes being superseded by cross-region programmes. What does the Secretary of State intend to do to ensure that genuine local news will be saved after the switchover for older people and others?

James Purnell: I reassure my hon. Friend that no decision has been taken on ITV's proposals on regional news. That will be a decision for Ofcom, which has said that it will take it next year as part of its public service funding review. I think that the whole House would say that when we passed the Communications Act 2003 we put regional news right at the heart of ITV's responsibilities, and it should continue to be so.

Peter Luff (Mid-Worcestershire) (Con): Is the Secretary of State aware that the digital switchover programme could have a serious impact on older people through the workings of the digital dividend review? Does he understand that mobile phone operators and others are putting a great deal of pressure on Ofcom to release Channel 69, which is a vital channel for community groups, village halls, churches and so on? Will he take an intelligent interest in the digital dividend review to ensure that public interest is served, not just that profits are maximised?

James Purnell: The hon. Gentleman raises an important point that has been recognised by Ofcom, which has, as he knows, issued a separate review to look into exactly that issue. I hope he agrees that an overall way forward has been found. I know that he has concerns about the detail of how it will be implemented, and I encourage him to raise them with Ofcom, as I have following our discussion last week.

Mr. Jamie Reed (Copeland) (Lab): Thank you for calling me again, Mr. Speaker. I am very honoured and Members are delighted.

Earlier this year, the Secretary of State visited my constituency to see for himself the preparations for digital switchover. Will he visit again in the next fortnight, once the analogue signal has been switched off, in order to perform an effective evaluation of the switchover process?

James Purnell: I cannot promise to visit my hon. Friend in the next fortnight, but I will certainly study the results very closely. I pay tribute to him for the leadership that he has provided on this issue. There has been a fantastic effort in Whitehaven to ensure that the digital switchover gets off to a good start, and the efforts of Digital UK and all its partners have given us a good chance of getting there.

Mr. Peter Bone (Wellingborough) (Con): A number of elderly people in my constituency have had their analogue signal turned off as a result of a big factory being built next door to them. Neither the Government, nor the regulator, nor the local council will take responsibility for that, and they are left with no signal at all, never mind digital switchover.

James Purnell: Obviously I do not know the details of the case that the hon. Gentleman mentions, but if he writes to me I will be happy to look into it. When digital switchover comes, anyone in a vulnerable group will have access to the scheme that will provide digital equipment free for the poorest. If they are unable to access digital terrestrial television, the scheme will ensure that they can get digital TV by another means, such as satellite.

Paul Farrelly (Newcastle-under-Lyme) (Lab): In the run-up to digital switchover, there have been concerns about older people, in particular, getting ripped off by unscrupulous aerial cowboys. How have the Government been encouraging the industry to get its act together, and what preliminary evidence has there been from Whitehaven in this regard?

James Purnell: I can assure my hon. Friend that there will be no flying cowboys in Whitehaven. He raises a very important point. Anybody who is cold-called or approached by someone claiming to want to change their aerial should treat that with some suspicion. There is a registered scheme for aerial installers, and people who want to have their aerial upgraded should use people from that scheme only.

Digital Television

3. **Miss Anne McIntosh** (Vale of York) (Con): What the take-up of digital television in (a) Yorkshire and Humberside, (b) the north-east and (c) the north-west was in the most recent period for which figures are available; and if he will make a statement. [161000]

The Secretary of State for Culture, Media and Sport (James Purnell): We do not collect statistics based on Government regions. According to Digital UK-Ofcom figures, take-up by ITV regions is as follows: Granada, 81 per cent.; Yorkshire, 78 per cent.; and Tyne Tees, 90 per cent.

Miss McIntosh: There is a great deal of confusion as to whether, when a television set needs to be replaced, people, particularly those on low incomes and older people—not only those over 75 but those between 60 and 75—should replace them with digital televisions, given that they cannot receive the signal at the moment. Can the Secretary of State give some advice as to what they should do for the next three or four years?

James Purnell: I think that the hon. Lady's question is about people who are in an area where they cannot currently receive terrestrial digital television. Of course, if they buy a set-top box, it will not be able to be used until the digital signal is switched on. Clearly, those people would be well advised to prepare as early as possible by buying the necessary equipment, which will then be available to be used when the switchover happens. That will stop them from having to have a last-minute rush to ensure that they can continue to receive television.

Public Service Broadcasting

4. **Mr. Austin Mitchell** (Great Grimsby) (Lab): If he will make a statement on the future of public service broadcasting. [161001]

The Secretary of State for Culture, Media and Sport (James Purnell): The Government believe that public service broadcasting will remain an important part of our public realm. In my speech to the Royal Television Society on 13 September, I identified our goals for broadcasting as open markets, universal access to high-quality output, and empowering consumers. We are setting up a convergence think-tank made up of experts from inside and outside Government to help us to secure those goals.

Mr. Mitchell: Does my right hon. Friend agree that the cuts envisaged by ITV run directly contrary to the commitments made by the ITV companies when they took on these contracts; and that if allowed they, coupled with the BBC's cuts in regional provision, will be directly and substantially damaging to the provision of news and regional programmes in the regions which are so important to us? Is it not time, therefore, that the Government, instead of leaving this issue to the market or to a nervous Ofcom, reaffirmed their strong public support for and commitment to public service and regional broadcasting?

James Purnell: I am happy to make exactly that declaration. This House made it very clear through the Communications Act 2003 that it expected regional television to be right at the heart of what ITV does. My hon. Friend is absolutely right to say that any such change would be a change to the terms under which the companies got their licences. That is why I said in response to an earlier question that no decision had been made on the matter. Ofcom will have to consider the matter next year, and I am sure that it will take into account the strong feelings expressed about it in this House.

Adam Price (Carmarthen, East and Dinefwr) (PC): After a quarter of a century of Sianel Pedwar Cymru, the Welsh language fourth channel, being overseen from Wales and Westminster, does the Secretary of State agree with Plaid Cymru and the hon. Member for Rhondda (Chris Bryant) that responsibility for it should be transferred to Wales, where the majority of Welsh speakers live?

James Purnell: If the hon. Gentleman wants to submit a proposal on that, we are happy to look at it. Traditionally, the process has been dealt with at the UK Government level because broadcasting has implications throughout the UK. In the same way, digital switchover involves spectrum planning throughout the whole of the UK, and the use of the licence fee or the use of public funding has UK-wide implications. I am happy to discuss that issue with him and the authorities in Wales if they want to submit that proposal.

Chris Bryant (Rhondda) (Lab): I am grateful to the hon. Member for Carmarthen, East and Dinefwr (Adam Price) for his support for my idea.

I urge the Secretary of State to be a bit more robust with ITV. Will he point out two things to it? For decades ITV was effectively given a licence to print money, and consumers in Britain expect better than to see it running away from its obligations. If it stops doing not just local and regional news, but current affairs and other kinds of local programming, the people of Britain will think, "This channel isn't really part of our national heritage any more. Frankly, we can get rid of it."

James Purnell: My hon. Friend is absolutely right to say that local and regional news is at the heart of what people value about ITV, and it would clearly be the best approach for ITV to find a way of making that remit profitable. No decision has been made on the proposals put forward to Ofcom, and I am sure that Ofcom and ITV will listen to the strong views expressed on this matter.

Mark Pritchard (The Wrekin) (Con): Does the Minister agree that the west midlands is an entirely different region from the east midlands? If he does agree, what action will he take to ensure that Central TV news is not cut as a result of the proposals? We need to start seeing competition in news delivery in the regions, instead of the current monopoly enjoyed by the BBC.

James Purnell: The hon. Gentleman is right to say that competition at the local and regional level is important. Like other hon. Members who have made their views clear on that during this Question Time, I advise him to make clear to ITV and Ofcom the strength of his feelings about it. I am happy to agree that the west midlands and east midlands are different regions.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that a public service broadcaster should have a recruitment process that is fair and open to all the talents? I refer him to the recent research by the Sutton Trust, which shows the predominance of independently educated, public school people in the hierarchy of the BBC.

James Purnell: Given that I went to an independent school, it would be slightly hypocritical to lecture the BBC on that—*[Interruption.]* It is important for people throughout the cultural industries to ensure that people from all backgrounds are working for them. All of our taxes pay for their products, so we are all entitled to be represented.

Mr. Don Foster (Bath) (LD): Recent scandals have dented trust in our public service broadcasters. Channel 4 has a looming financial crisis, as does ITV. Those may be matters for Ofcom, but the Government are responsible for the BBC. Two years ago, the BBC announced 4,000 job cuts and there are now more to come. The Secretary of State's predecessor, the right hon. Member for Dulwich and West Norwood (Tessa Jowell), said that the below-licence-fee settlement would lead to certainty and stability for the BBC. Does he accept that what we now have is uncertainty and instability?

James Purnell: I do not accept that. I think that the settlement was fair and reasonable for the BBC. Some people said that we should not give it a charter at all, but we did. Some people said that we should have given it a short charter, but we gave it one for 10 years. Some said we should not fund it through the licence fee, but we have, and we gave it a six-year licence fee deal. If it realises those efficiencies and if more and more households buy more and more licence fees—as predicted—the BBC will have £1.2 billion to invest in new services. That is a fair settlement between the interests of the BBC and the interests of the licence fee payer.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Does the Secretary of State understand the concerns of people in Plymouth and Cornwall, which are respectively 120 and 200 miles away from Bristol, about the plans for ITV public service broadcasting and the cuts? That not only applies to commercial public sector broadcasting requirements; it could have a knock-on effect on the BBC and the quality and quantity of its programmes if it does not have competition from the commercial sector.

James Purnell: I understand my hon. Friend's concern. Indeed, she has campaigned strongly and effectively on the importance of the creative industries in Plymouth. Plymouth has one of the fastest-growing creative industry sectors in the country, so the campaigning is clearly paying dividends. That further underlines the vital role of our public service broadcasters as anchors of production throughout our country.

Mr. Jeremy Hunt (South-West Surrey) (Con): Does the Secretary of State agree that the broadcasting regulatory system is failing to work properly? What happened with quiz shows and competitions at BBC, ITV and Channel 4 over the summer clearly breached the broadcasting code. Yet that did not stop producers at all those channels contravening the code. What will the right hon. Gentleman do to make the broadcasting regulatory system work more effectively?

James Purnell: I agree that what happened was unacceptable. It is unacceptable for people to be cheated out of their money and for millions of phone calls to be made when people could not win. I have confidence in Ofcom and the way in which it is tackling the issue proactively. However, I have asked it to advise the House on whether the regulatory regime is robust enough. If the hon. Gentleman has any suggestions to make to that review, we would be happy to hear them.

Mr. Hunt: Is not the point that, if broadcasters have to be fined huge amounts of money, the system has already failed because viewers' trust has been compromised? Rather than more regulation, does the Secretary of State agree that we need better observance of existing regulations before trust in broadcasting is further eroded?

James Purnell: Clearly, that is important, but the issue is so serious that we should not simply rely on that cultural change. We should also consider whether the regulatory regime is robust enough, especially the boundaries between the Independent Committee for the Supervision of Standards of Telephone Information Services—ICSTIS—which is now Phonepay Plus, and Ofcom, and make sure that we have the right approach to ensure that the problem does not happen again.

Mr. Jim Cunningham (Coventry, South) (Lab): Will my right hon. Friend consider the impact, especially of staffing cuts, on BBC West Midlands, whether television or radio?

James Purnell: We have a well-established tradition in this country of the BBC being independent of Government. It would therefore be wrong for me to tell it where to employ its staff. We have given the BBC a fair and stable settlement, which provides a good platform for succeeding in the digital age.

Philip Davies (Shipley) (Con): Does the Secretary of State agree that, in future, the BBC needs to do far less and that it should concentrate on providing public service media content where there is market failure?

James Purnell: I do not agree with the implication in the hon. Gentleman's question that the BBC should retreat to a public service ghetto. That happens in America and is not the right way forward for us. The BBC's task has always been to make the popular good and the good popular. That should remain its challenge in the 10 years to come.

Arts Funding

5. **Sarah McCarthy-Fry** (Portsmouth, North) (Lab/Co-op): What the change has been in the level of arts funding since 1997. [161002]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): Funding for the arts has already increased by 73 per cent. in real terms—up from £186 million in 1997-98 to £412 million this year. The Government have shown strong and consistent support for the arts. Earlier this month, we announced that, over the next three years, the Arts Council will receive a funding increase of 3.3 per cent. above inflation, taking it to £467 million in 2010-11.

Sarah McCarthy-Fry: I thank my right hon. Friend for that response. Dot to Dot is a community arts organisation that operates in a deprived part of my constituency. Its members are currently making costumes for the Hallowe'en happening for which I shall join them on Wednesday. Local people have also designed my Christmas card, which will go out to constituents this year. Does my right hon. Friend agree that funding such arts projects does a great deal for social regeneration in deprived areas and promotes community cohesion?

Margaret Hodge: Of course I agree with my hon. Friend that the funding of community arts projects not only raises the profile of the arts in her area but adds to community cohesion and regeneration. I am glad to see that the Arts Council's funding has now gone up in Portsmouth, and that more than £250,000 goes to arts organisations in her area.

Mr. Nigel Evans (Ribble Valley) (Con): I welcome any increase in the funding for the arts, not just in London but throughout the United Kingdom, and it is important that the arts are used as a showpiece for people visiting this country. Is it not therefore a shame that the Government have cut back on the grant to VisitBritain, thereby perhaps denying people abroad the opportunity of knowing what this country has to offer?

Margaret Hodge: I see the rather tenuous link between the issue of VisitBritain and this question. I would say to the hon. Gentleman in all seriousness that the way in which we attract visitors to the UK is partly through the heritage opportunities that are available, and partly through the arts and cultural opportunities. The increase in funding that we have been able to put into the arts and culture—and the opportunities that we will have to implement our commitment to the cultural Olympiad in particular—will improve the offer to visitors to this country.

Seaside and Coastal Towns (Heritage)

6. **Mr. Gordon Marsden** (Blackpool, South) (Lab): What assessment he has made of the role of heritage in regenerating seaside and coastal towns; and if he will make a statement. [161003]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): English Heritage has carried out a detailed assessment showing how investment in heritage can support the regeneration of seaside and coastal towns. I welcome the publication of that report, which I understand was launched at a heritage conference in Hastings at which my hon. Friend the Member for Blackpool, South (Mr. Marsden) was present. We are working with colleagues across government to see how we can best respond to the challenges facing some of our seaside and coastal towns.

Mr. Marsden: I thank my right hon. Friend for that reply and, indeed, for the consistent interest that she has shown in seaside and coastal towns. The conference at which I was present, along with my hon. Friends the Members for Hastings and Rye (Michael Jabez Foster) and for Milton Keynes, South-West (Dr. Starkey), made exactly those points. We in Blackpool have already benefited from a £50,000 feasibility study grant for the new theatre museum that we are anxious to see established. May I, however, press my right hon. Friend the Minister and my right hon. Friend the Secretary of State to see whether there are further ways in which heritage, which is a key issue in relation to regenerating seaside and coastal towns, might be supported and funded by the Department?

Margaret Hodge: I congratulate my hon. Friend on the consistent hard work that he has done to ensure that the regeneration of seaside and coastal towns has been kept at the forefront of the Government's concerns. He does not have to press me very hard on this. I know the importance to Blackpool of this type of opportunity, and we are examining every opportunity that we can think of—whether in arts and culture or in heritage—to try to help the regeneration of his constituency.

Mr. Douglas Carswell (Harwich) (Con): Coastal towns such as Clacton-on-Sea in my constituency desperately need some sort of regeneration. What specific advice can the Minister give to local authorities to ensure that they help to deliver that regeneration?

Margaret Hodge: One of the ways in which English Heritage has worked well in the past—and which we want to explore further in the future—has involved giving some money to kick-start the regeneration in a particular coastal town, which brings in other public and private resources. I can give the hon. Gentleman some examples. In Great Yarmouth, £380,000 of Heritage Lottery Fund released £2 million of private sector investment in the area. In St. Annes, £121,000 of Heritage Lottery Fund released £3 million of public and private money. If local authorities were to look at this kind of partnership, they could go far with their regeneration projects. I have seen excellent examples throughout Great Britain of local authorities and heritage organisations finding a project that acts as a catalyst for regeneration in the area.

Michael Jabez Foster (Hastings and Rye) (Lab): My right hon. Friend is right to say that such a catalyst can often be found. In Hastings, the birthplace of television, the Baird project, run by Alastair Fairley and others, has recently brought jobs and opportunities to the town. Can the Minister suggest any funds that might be available to develop that kind of initiative?

Margaret Hodge: My hon. Friend has recently written to me about his constituency and I am considering the contents of his letter as we speak. I am also examining what further funds we can bring to coastal towns to help with their regeneration. There are already funds such as the heritage lottery fund, and the regional development agencies have considerable resources that they can bring to bear in these circumstances. There are also the local authorities, as the hon. Member for Harwich (Mr. Carswell) pointed out. Corralling all those together, and encouraging private sector investment, is the way in which we can bring regeneration to our coastal towns.

Mr. Tobias Ellwood (Bournemouth, East) (Con): It seems that tourism is not a priority for this Government. The Minister will know that under this Government's watch, more Britons are choosing to holiday abroad than ever before rather than going to our seaside towns, for example, and inbound visitor numbers are well below the international average. Does the Minister really believe that cutting VisitBritain's budget—a subject that she has refused to touch on so far—effectively slowing the engines that power Britain's fifth largest industry, is the way to maximise British tourism opportunities in the lead-up to the 2012 Olympics?

Margaret Hodge: The first thing is that the hon. Gentleman should get his facts right. The most recent figures for the three months up to August 2007 show an increase in the number of UK residents who choose to go abroad by 2 per cent.—*[Interruption.]*—sorry, I mean a decrease. Let us get it right; there has been a 2 per cent. decrease in the number choosing to go abroad. As to VisitBritain, we have asked for a strategic review of how we best use our resources to market the UK. Across the public sector, in excess of £350 million is being invested in marketing the UK. Some of it comes from VisitBritain, and a lot comes from regional development agencies and some from local authorities. We want to use that money smartly—and any responsible politician in a responsible Government would think it wholly appropriate to have a strategic review in order to ensure fit-for-purpose organisations for marketing the country at home and abroad.

Sandra Osborne (Ayr, Carrick and Cumnock) (Lab): The Minister will understand that I am very disappointed that the Ailsa Craig-Girvan gateway project in my constituency was turned down for living landmarks Big Lottery Fund money. She has already pointed out the important role that these projects can play in regenerating seaside towns. This was a genuine community-led project. Given the amount of time, resources and money put into developing a business plan, what advice would my right hon. Friend give that group for securing alternative sources of funding?

Margaret Hodge: I am not aware of the details of the project to which my hon. Friend refers, but I would be happy to meet her to discuss the details and see whether we can find a way forward and help her meet the interests of her community.

National Museums and Galleries

7. **Andrew Miller** (Ellesmere Port and Neston) (Lab): If he will make a statement on the effect of the Comprehensive Spending Review on national museums and galleries. [161004]

The Secretary of State for Culture, Media and Sport (James Purnell): I was delighted to announce on 12 October that grant-in-aid to our national museums and galleries will increase from £302 million this year to £332 million in 2010-11—an increase slightly above inflation. That investment in excellence means that free admission for all is guaranteed for a further three years.

Andrew Miller: My right hon. Friend should be congratulated on the assiduous way in which he negotiated the Department's grant in the comprehensive spending review. May I ask him to focus his attention on the collection in the National Waterways museum and to use his good offices to ensure that the project continues in its three locations? The collections are defined by his own Department as being of national importance in their own contexts.

James Purnell: My hon. Friend has run a determined campaign on behalf of the museum in his constituency—and he was right to do so. I am delighted to be able to inform the House that, in addition to the extra funding already announced for national museums, we will continue to invest in our regional museums and galleries over the next three years with an inflation-proof settlement. That will mean that funding for the "renaissance in the regions" programme will increase from £45 million this year to more than £48.7 million in 2010-11. That will enable museums across England to revitalise their collections, reach new audiences and strengthen their educational work. As my hon. Friend noted, the National Waterways museum has a collection that has been designated as being of national importance. I hope that, in the light of the money that we are announcing today, the museum's dialogue with the Museums, Libraries and Archives Council will enable it to plan the future on a secure footing.

Mr. Kevan Jones (North Durham) (Lab): I welcome the funding. Will my right hon. Friend join me in congratulating the north-east regional museums hub on its tremendous work not just on increasing visitor numbers but on cross-working between museums in the north-east? Will he assure me that its good work, and the lessons that are being learned from the hub, can be used in other regions throughout the UK?

James Purnell: Yes, that is exactly what we want to do. We want to learn from the hub areas and spread that knowledge around the country. My hon. Friend raised the issue of funding the "renaissance in the regions" programme at the last Question Time. I hope that he welcomes our announcement. As he says, the hub areas have had an important impact. The number of people visiting local and regional museums has, we think, gone up from about 8 million to 14 million. That is a huge achievement, thanks to all the people who have been involved in the local and regional work that has been possible.

Seaside Resort Tourism

8. **Mr. Adrian Sanders** (Torbay) (LD): If he will make a statement on the future of seaside resort tourism. [161005]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): My Department is committed to the future of all our seaside resorts. We are working with colleagues across Government to see how we can best respond to the challenges that some of them face. We will consider their future fully in the tourism strategic review that we have recently announced.

Mr. Sanders: Is not the answer here not just to help and develop tourism, but to look across Government at how we can bring together all the various regeneration pots of money and focus them on some of our larger seaside resorts that have had a poor show over the past 20 or 30 years? Will there be a commitment from the Government to do just that—to work across Government and focus support on coastal resort economies?

Margaret Hodge: I have an easy answer to that: I agree entirely with everything that the hon. Gentleman says. There is a commitment to work across Government in the way that he sets out.

OLYMPICS

The Minister for the Olympics was asked—

Diamond Jubilee

20. **Andrew Rosindell** (Romford) (Con): What preparations she has made to host the Olympics in a manner sympathetic to the Queen's diamond jubilee in 2012. [160990]

The Minister for the Olympics (Tessa Jowell): The combination of the Queen's diamond jubilee and the Olympic games in 2012 was highly persuasive with the International Olympic Committee in awarding the bid to London. We are at the very early stages of discussion with the royal household, but meetings are held on a regular basis to make sure that every opportunity of the Olympics is taken to focus on the Queen's diamond jubilee, and vice versa. I expect that the whole House will hope that the royal family will be one of the many families in this country that brings home a gold medal after the games.

Andrew Rosindell: I thank the Minister for her reply. Does she agree, however, that because the diamond jubilee will be a great national celebration, it is important that the Olympic games do not overshadow that historic landmark in our nation's history? Does she also agree that millions of people who come for the Olympics in 2012 will appreciate the diamond jubilee celebrations and want to participate in them?

Tessa Jowell: There is absolutely no chance whatsoever that the Olympics will overshadow the diamond jubilee. When planning in the years up to that, we are determined to ensure that the diamond jubilee is a national celebration, followed by the Olympic games, which will be another national celebration.

Paul Farrelly (Newcastle-under-Lyme) (Lab): I am sure that nothing will be more sympathetic to the Queen than a good old patriotic fly-past. Will my right hon. Friend use this occasion to quash the ridiculous story that the Red Arrows have been barred from the opening ceremony of the Olympics?

Tessa Jowell: I can absolutely, unequivocally and categorically assure my hon. Friend that there is no truth whatsoever to that story. It was highly regrettable that in the face of the scale of denials from Lord Coe, who I understand took the trouble to e-mail every Member of Parliament, and the clear statement that there was no truth in the story, the party operation of the Opposition—Conservative central office—continued to try to get a campaign going. The important thing is that the Red Arrows—part of every national celebration—are also part of the Olympics. I want to see that happen.

Mr. James Gray (North Wiltshire) (Con): Would the Minister care to substantiate the remark that she has just made and give us one shred of evidence that, somehow or other, it was the Opposition who perpetuated the myth about the Red Arrows? That is quite untrue; she is misled on that point. The Leader of the Opposition has gone to great lengths to ensure, through his noble Friend the Conservative peer Lord Coe, that the Red Arrows will play a leading part in the Olympics.

Tessa Jowell: On the basis that I am given an absolutely categorical assurance that no attempt was made at any stage by Opposition Members to blow up this campaign and to exploit what everybody knew to be untrue, I am prepared to let the matter lie. *[Interruption.]* I place on record that there is not and has never been any question of the Red Arrows somehow being prevented from taking part in the Olympic games opening ceremony. *[Interruption.]*

Mr. Speaker: Order. Mr. Mackay, you are very fussy about the rules of the House, and you should apply them to yourself. Do not shout at the Minister when she is speaking. That is unfair.

British Achievements

21. **Miss Anne Begg** (Aberdeen, South) (Lab): What steps she is taking to encourage the use of the opportunity presented by the Olympic Games in 2012 to celebrate a wide range of British achievements. [160991]

Tessa Jowell: As my hon. Friend knows, hosting the Olympic games and the Paralympic games in 2012 will put the whole of the UK at the centre of a global audience. The cultural olympiad that will begin with the closing ceremony in Beijing next year will be an opportunity to showcase world-class culture around the country. The games present an opportunity to provide a great boost to tourism across the UK. We hope to see a £2 billion boost to the value of tourism revenue and we must make sure that the tourism benefit outside London—to Scotland, Wales and the rest of the UK—is maximised. We have clear commitments in relation to the Olympic legacy, and by early next year we will publish a detailed plan showing how those big ambitions for the country will be realised.

Miss Begg: I am delighted to hear the Minister's reply, because as soon as the Olympics are mentioned, one thinks of sport; when the London Olympics are mentioned, one thinks of sport in London. I am not a huge fan of sport and am keen to ensure that everyone realises that there is more to the Olympics than just sport. People visiting with family members or sports teams will have opportunities to see some of the other things that are going on around Britain—in Scotland and elsewhere—that may not be necessarily geared towards a sporting audience. Will the Minister assure me that there will be as much emphasis on those activities as on the sport?

Tessa Jowell: I absolutely agree. The Olympics, the Paralympics and the Queen's diamond jubilee will all be national celebrations, as will the cultural olympiad. My hon. Friend would not want us to forget that a new regional centre of excellence for sport will open in Aberdeen shortly. I am sure that hon. Members on both sides will also wish Glasgow the best of luck in the decision on the selection of the Commonwealth games venue, which is to be made in the next couple of weeks.

Mr. Humfrey Malins (Woking) (Con): The Minister will know that my constituency is the home of the National Rifle Association at Bisley, whose achievements over the years have been enormous. What can she do to encourage target pistol shooters to get in the practice within this country, so that they might succeed at the next Olympics, as we all want them to?

Tessa Jowell: Of course we do, and the hon. Gentleman will know about the detailed discussions taking place within Government and with the national governing body in this respect. The House will not need to be reminded that we have laws in place prohibiting the possession of handguns for competitive purposes because of the tragedy at Dunblane. Nothing that we do should in any way seek to compromise those commitments; I know that the hon. Gentleman would share my view on that. He will, I suspect, also be aware of some detailed discussions that are under way between the Ministry of Defence, the Home Office and the national governing body about restricted access to particular sites so that pistol shooters can practise. Those negotiations are continuing. When they have concluded, I will report to the House.

Ms Sally Keeble (Northampton, North) (Lab): I very much welcome my right hon. Friend's commitment to ensure widespread participation in the 2012 games. What structures will she put in place so that towns and cities throughout the country can get the necessary information and participate in the business opportunities and cultural legacy as well as the sporting opportunities?

Tessa Jowell: I thank my hon. Friend for her comment, and I pay tribute to her for her great efforts to ensure that even at this stage her constituents derive full benefit from participation in the Olympic games. In my visits to her constituency, it has been clear that in Northampton, enthusiasm for the games is very high. My hon. Friend is right, however: we must ensure that any lack of involvement is not the result of people not having access to the proper information. That is why the Olympic Delivery Authority has put in place a systematic way of informing businesses through electronic alerts about contracts that are open for tender. I am sure that businesses in her constituency will secure some of them. The website is open for people to register their interest in volunteering for the games, and through the nations and regions group every region of the country is developing its own Olympic plan. I know that the east midlands has some extremely good ideas—

Mr. Speaker: Order. I must stop the Minister there.

Tom Brake (Carshalton and Wallington) (LD): The Minister will have seen the reports in today's press quoting Lord Moynihan as saying that there is room for improvement in the financial management of the games and a need for greater transparency. Does the Minister agree that if the budget issue is not tackled and there is not more transparency, it will not be possible to celebrate fully many of the achievements that we want to celebrate?

Tessa Jowell: With great respect to Lord Moynihan, I would point him to the recent reports of the National Audit Office and other experts. There has been assistance in the development of the budget and proper financial oversight. People must believe that their money is being properly spent—regardless of whether it comes from the lottery, the London council tax or the Exchequer—if we are to maintain public commitment and support for the games. I give the House an assurance that Members will receive regular periodic updates on the state of the budget, and I can give an absolute commitment to transparency and high-quality management of the Olympic budget. I do not, therefore, agree with Lord Moynihan on the points that he chose to make public.

Hugh Robertson (Faversham and Mid-Kent) (Con): I was at the party conference when the Red Arrows issue was raised for the first time. Lord Coe made the position straightforward then, and I spoke to three journalists who phoned me afterwards and said there was no truth in the story. Therefore, I hope that the Minister will withdraw her remark and apologise for it.

Lord Moynihan said that,

> "the Olympic board's ability to oversee the project is being restricted by a lack of financial detail being provided by the Government and the Olympic Delivery Authority".

Those are very serious allegations. Will the Minister therefore confirm whether the three basic financial controls necessary for that oversight—an updated and clearly defined budget, a monthly cash-flow analysis, and a breakdown of the contingency fund allocated to specific projects—is available to each and every Olympic board? And if not, why not?

Tessa Jowell: The information is provided to the Olympic board at a point when the detailed work—and the hon. Gentleman knows perfectly well the level of scrutiny currently being carried out to test line by line the baseline budget I announced to the House back in March—[Hon. Members: "When will they know?"] When the work is complete, that will be available to the board, and the information will also be made available to the funders committee within Government before any further decisions are taken to release contingency. I urge the hon. Gentleman not to leap into print with his own allegations about, for instance, decisions on the release of contingency.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

Weekend General Elections

27. **Mr. Gordon Marsden** (Blackpool, South) (Lab): What plans the Electoral Commission has to assess public support for weekend general elections. [160981]

Peter Viggers (Gosport): The Electoral Commission informs me that it has no plans to assess public support for weekend general elections.

Mr. Marsden: I thank the hon. Gentleman for that reply. I find it extraordinary that there are no such plans, given that the Government announced a review of this issue in their paper "The Governance of Britain", and given that the Electoral Commission itself published research in 2001 that showed that one fifth of people did not vote because of the inconvenience. Holding general elections on a Thursday has only been a convention in this country since 1935. Most other countries in Europe hold them at weekends and have good turnouts, so is it not time the Electoral Commission considered consulting public opinion on this, in the same way as the Government are going to consult local authorities?

Peter Viggers: The reason why the Electoral Commission has not put forward proposals itself is that it has noted the Government's proposal in the Green Paper "The Governance of Britain" for consultation on weekend voting, and intends to contribute to that, particularly in relation to the practicalities of such a move. The Electoral Commission has refocused its activities. It now focuses more on the practicalities and bones of voting, rather than on the theoretical matters that the hon. Gentleman has raised, which it regards rather as the matter of Government and of Parliament.

Mr. Andrew Mackay (Bracknell) (Con): May I put it to my hon. Friend that the Electoral Commission should be considering this issue, because the highest priority of all of us should surely be to increase the number of people voting? Just because elections have taken place on a Thursday since the 1930s does not mean that weekends should be ruled out. We should have an open mind, and it would be helpful to hear the results of any such survey.

Peter Viggers: There is indeed a consultation process in place. It was put forward by the Government in their paper "The Governance of Britain". The Electoral Commission is making its contribution to that process in its own specialist area, but it would urge everyone to contribute to the Government's consultation procedure on the subject.

David Taylor (North-West Leicestershire) (Lab/Co-op): If and when the Electoral Commission looks at other options for the selection of dates for general elections, perhaps it could conduct surveys in Paisley, Doncaster and Wakefield on the desirability of late autumn elections—one of which might have taken place on, say, 1 November or 8 November this year—and feed back the strong comments that might be made to the MPs for those areas, to inform better their future advice to No. 10.

Peter Viggers: I am not sure whether the hon. Gentleman thinks that if an election had taken place, it would have mattered very much whether it was on a Thursday or another day of the week. Fair points have been made during these exchanges. It is true that the larger number of European countries hold their elections on Sundays—and, of course, that some countries even have fixed-term elections. That, perhaps, would cover the hon. Gentleman's point.

Mr. David Heath (Somerton and Frome) (LD): I think that many people would welcome a little research to support the view that there ought to be a relaxation of the rules governing election days, because there is nothing sacrosanct about Thursdays. While the Electoral Commission does that, it might also examine whether the national interest, or narrow party interest, is best served by refusing to have a fixed-term Parliament.

Peter Viggers: The hon. Gentleman is correct that there is nothing sacred about Thursdays for general elections, although the last election to take place on a weekend in this country was held on Saturday 14 December 1918. A number of practical implications are involved in switching away from a Thursday. The current legislation says that general elections must be held on weekdays, whereas local elections must be held on Thursdays. There is nothing sacrosanct about these rules, and the consultation procedure will no doubt throw up a number of different views.

Sir George Young (North-West Hampshire) (Con): As anybody who wants to vote by post can already do so, do we not need powerful reasons for moving away from the current arrangements?

Peter Viggers: It is true that a large number of people are used to voting on Thursdays and that that day has some practical advantages in terms of the timing during the week and the availability of local government staff. It is also true that postal and other voting systems have made voting easier now, and that there are fewer complaints about the availability of voting. However, the fact is that we have quite a low turnout at general elections in this country, and we should all be concerned about that.

Polling Stations (Siting)

28. **Mr. Peter Bone** (Wellingborough) (Con): Whether the Electoral Commission has considered the merits of reviewing the rules on the siting of polling stations. [160982]

Peter Viggers: Responsibility to keep polling districts and places under regular review has been placed upon local authorities under the Electoral Administration Act 2006, which came into force on 1 January 2007. The Electoral Commission has issued guidance to local authorities, but it has no plans to review the rules.

Mr. Bone: In the Croyland ward in my constituency, there are three polling districts: CA, CB and CC. There have been four elections in that ward since May 2005. In the two elections when there was a polling station in the CC district, CC topped the turnout or was second. In the other two elections, when there was no polling station in CC and people had to drive out of the estate on a very difficult route to vote, the turnout dropped by 53 per cent. Will the Electoral Commission consider making it compulsory to have a minimum of one polling station in each polling district?

Peter Viggers: As I pointed out, Parliament gave local authorities the responsibility for deciding on such matters. Given the detailed point that my hon. Friend has made, it is wise that local authorities should be responsible, because they have the specialist knowledge. If he has a complaint about the polling arrangements in his constituency, he should draw it to the attention of the local authority, which, as I have said, has that responsibility.

Mr. Andrew Love (Edmonton) (Lab/Co-op): May I ask my hon. Friend to consider strengthening the guidance given in two respects, the first of which is the distance that people have to walk? People have to walk a tremendous distance to some of the polling stations in my constituency, which is, of course, a deterrent to voting. The second issue is the use of temporary structures on sites that are convenient for people to go to. My local authority never seems to use any temporary structure, because of the cost involved. Could we give some guidance that would strengthen local authorities' ability to make it easy for people to vote?

Peter Viggers: May I say how grateful I am to the hon. Gentleman for extending his friendship to me—no doubt on the basis of our joint membership of the Treasury Committee? As with the reply that I gave to my hon. Friend the Member for Wellingborough (Mr. Bone), it is very much a matter for the local authority to decide on such matters, and no maximum is specified for the distance between polling stations or the distance that individuals have to travel. That matter is left to the discretion of the local authority, which must take into account a number of issues, such as accessibility, ready visibility, disabled access and so on.

Sir Nicholas Winterton (Macclesfield) (Con): Does my hon. Friend not accept that it would be most undesirable if any polling station or ballot box was placed in superstores such as Tesco—an idea that has been put forward? Tesco has a big enough advantage as it is, without people being advised to go into those superstores, which undermines the small retail sector.

Peter Viggers: With his wide experience, my hon. Friend never ceases to have the ability to surprise me with his questions. I had not anticipated that one and will certainly look into it and discuss it with the Electoral Commission.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

VAT (Church Repairs)

29. **Miss Anne McIntosh** (Vale of York) (Con): What recent discussions the commissioners have had with the Chancellor of the Exchequer on VAT on church repairs. [160983]

Mr. Gerry Sutcliffe (Bradford, South): I have been asked to reply—with your permission, Mr. Speaker—on behalf of my hon. Friend the Member for Middlesbrough (Sir Stuart Bell), who is recovering from a back operation. I am sure that hon. Members will join me in wishing him well.

The commissioners have not met the Chancellor, but the Church Heritage Forum, on which they are represented, continues to explore with the Government how the contribution that churches and cathedrals make to the nation should be reflected in the funds that they receive from the state.

Miss McIntosh: I am most grateful to the hon. Gentleman for that reply. Will he convey our warmest wishes for a speedy recovery to the Second Church Estates Commissioner, the hon. Member for Middlesbrough (Sir Stuart Bell)?

Does the hon. Gentleman accept that the cost to the taxpayer of administering grants from English Heritage puts a burden on the state, whereas reduced VAT—the subject of an ongoing campaign by me and many Members on both sides of the House—would actually help churches, bearing in mind that they have a particular role in rural constituencies such as Vale of York?

Mr. Sutcliffe: I thank the hon. Lady for her kind remarks, which I shall pass on to my hon. Friend the Member for Middlesbrough. I congratulate her on her work in trying to resolve church repairs issues, which are substantial in terms of the £100 million target. However, she will be pleased to know that to date £63 million has come from return of VAT, and that the scheme has been extended to 2011. I hope she recognises that the state is trying to do its bit, with the Church, to try to resolve some of the issues.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Any amount is gladly received, but as my hon. Friend knows, the situation has been going on for a long time. Many of the churches are mediaeval and need an enormous amount of upkeep, so can we come to a sensible conclusion quickly?

Mr. Sutcliffe: Again, I acknowledge the work that my hon. Friend has been doing on this issue and I am sure that she, too, will welcome the extension of the scheme to 2011. I shall ensure that her comments are passed to my hon. Friend the Member for Middlesbrough, and I am sure that he will take them up with the Treasury.

Mr. Brian Binley (Northampton, South) (Con): The hon. Gentleman may not know that lead and copper thefts from churches are increasing sizeably. In Northamptonshire alone, 10 such cases occurred in September, causing £200,000-worth of damage. In many cases, insurance does not cover the repairs, so will the hon. Gentleman consider VAT relief in that respect when he addresses the issue?

Mr. Sutcliffe: Of course those thefts are regretted; it causes much inconvenience and cost to churches when such things occur. I am a little hesitant to make any commitments for my hon. Friend the Member for Middlesbrough at this stage, but I shall pass the hon. Gentleman's comments to him.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

Minimum Voting Age

30. **John Robertson** (Glasgow, North-West) (Lab): What assessment the Electoral Commission has made of lowering the qualifying age of voting from 18 to 16 years as a means of increasing turnout at elections. [160984]

Peter Viggers (Gosport) (Con): The Electoral Commission's 2004 report, "Age of Electoral Majority", concluded that there was insufficient justification for reducing the voting age to 16. The commission informs me it has no plans to make a new assessment of the case for lowering the voting age.

John Robertson: I am somewhat disappointed in the hon. Gentleman's answer. Politicians are regularly chastised—justifiably so, in some cases—for not engaging with people, in particular young people. Would not lowering the age from 18 to 16 help to engage those young people, not just in local politics but in politics in general, or does the hon. Gentleman think it would just increase the number of people who do not vote?

Peter Viggers: I am grateful for the chance to add that the 2004 report produced by the Electoral Commission said that the commission would revisit the case for lowering the voting age within five to seven years. Following its recent refocus on the twin objectives of regulating party and election finance and delivering well-run elections, the commission is unlikely to proceed with such a review. The Electoral Commission takes the view that it is for Government and Parliament to consult and decide on such matters.

Simon Hughes (North Southwark and Bermondsey) (LD): Is not it much more likely that young people would engage in the process if, when they left school at 16, they were registered to vote as part of a graduation ceremony at which they were given their civic rights and responsibilities? If so, would it not be logical that they should have the vote from that time, when they are free to work, able to pay taxes and free to join the services?

Peter Viggers: The hon. Gentleman makes a point that was well aired during discussions on the subject. When the Electoral Commission looked at the issue in some detail in 2004, it came to the conclusion, taking account of facts such as those cited by the hon. Gentleman, that it was not appropriate to recommend a reduction in voting age.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Fatal Accidents (Gravestones)

31. **John Mann** (Bassetlaw) (Lab): How many people have been killed by falling gravestones in church graveyards in the last 20 years. [160985]

Mr. Gerry Sutcliffe (Bradford, South): The number is not recorded centrally but I understand from the Ecclesiastical Insurance Group, which insures almost all Church of England churches, that it has received no claims relating to such fatalities in the last 10 years—the period for which figures are available.

John Mann: Why is it, then, that hundreds of thousands of gravestones across the country are being staked, as if they were a health and safety risk? Across the country, only two deaths have been caused by gravestones in the past 28 years. Should we not investigate precisely why local authorities and churches are taking such an absurd decision?

Mr. Sutcliffe: My hon. Friend raises a fair point, which I will take up with my hon. Friend the Member for Middlesbrough.

UK BORDERS BILL (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(7) (Programme motions),

That the following provisions shall apply to the UK Borders Bill for the purpose of supplementing the Order of 5th February 2007 (UK Borders Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question being put.

3. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*[Ms Diana R. Johnson.]*

Question agreed to.

Orders of the Day

UK Borders Bill

Lords amendments considered.

Clause 5

REGISTRATION REGULATIONS

Lords amendment: No. 1.

3.35 pm

The Minister for Borders and Immigration (Mr. Liam Byrne): I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Speaker: With this we may discuss Lords amendments Nos. 2 to 6.

Mr. Byrne: The amendments can be put into three packages. They are to do with the way in which identity cards are issued and, if necessary, surrendered. I am particularly grateful to the Delegated Powers and Regulatory Reform Committee, which helped us to get amendments on that subject straight. Lords amendments Nos. 1, 3 and 6 seek to address concerns that that Committee expressed about the way in which we proposed delegating powers to the Secretary of State. The amendments give a much sharper definition of when the Secretary of State may cancel cards, and when the individual must notify the Secretary of State of changes in circumstances. The amendments are designed to mirror the Identity Cards Act 2006 slightly more closely than the original drafting did. Effectively, in place of the suspension that was originally proposed, the Secretary of State may now require surrender, while considering cancelling the card.

Lords amendment No. 2 is also designed to meet a concern expressed by the Committee. The Committee made it clear that the Secretary of State's power needed to be bound slightly more than was proposed in the draft Bill. The amendment simply confines the Secretary of State's power to a power to require immigration and nationality documents to be surrendered. Importantly, when biometric immigration documents are issued, the amendment will allow us to bleed insecure documents out of the system.

Finally, amendments Nos. 4 and 5 simply remove references to the necessity for a code of practice governing the way in which authorised persons should issue biometric immigration documents. Frankly, I think that the original Bill—this is probably my fault—went over the top a little bit. There is no equivalent provision in the Identity Cards Act, and there is no such provision for biometric visas. I did not feel that that discrepancy could be justified. Instead, we propose to publish guidance on the subject to which people must adhere. It will be tested a little later on, next year. I commend the amendments to the House.

Damian Green (Ashford) (Con): Broadly speaking, we welcome the group of amendments. It is always good to hear a Minister in this Government admit the possibility of error in a previous part of the legislative process. We called for amendment No. 2, so we are particularly pleased to see it, but I have some questions. Hopefully the Minister can provide clarification about the effects of the group of amendments. In general, we are pleased that the previous catch-all subsections have been removed. The Minister will be aware that there were objections, both in Committee and in another place, about the sweeping powers that Ministers gave themselves under a previous version of the legislation. The removal of those powers is a welcome step forward.

My questions are about exactly how the biometric information documents fit into the Minister's scheme for a national identity register. One of the things that their lordships found most confusing in the explanations in the Lords was whether those documents are the identity card for foreigners. If so, do the documents contain the same biometric information that UK citizens will be expected to provide under this wretched scheme? Of course, we would scrap the scheme, but let us proceed with the legislation on the basis that it might be introduced one day.

The other clarification that we require from the Minister concerns the appeal mechanisms available to people whose documents have been removed. Such an action could be disastrous for people in those circumstances, so it is fair for the House to ask whether this group of amendments entails a decent and fair appeal mechanism. On the same lines, is it correct to presume that someone whose documents have been removed for one of the reasons set out in the amendments would be immediately removed from this country? I am sure that, like me, the Minister has studied carefully the very good debates in another place, both in Grand Committee and on Report, so he will know that their lordships were genuinely confused about that matter. I hope that in this broadly welcome group of amendments he will therefore take the opportunity to clear up the remaining confusion about those issues.

Mr. David Heath (Somerton and Frome) (LD): First, it is proper that I should pay tribute to my hon. Friend the Member for Rochdale (Paul Rowen) and my noble Friend Lord Avebury for their work on the Bill. May I commend, too, Lord Hilton, who is a constituent of mine? He is a Cross Bencher, so does not speak on behalf of my party, but he played a significant role in the Bill's consideration in another place.

I certainly do not intend to urge my right hon. and hon. Friends to vote against the amendments, which we broadly support. Like the hon. Member for Ashford (Damian Green), I should like to receive further details about the interrelationship between the documents and the identity card. I am amused by the vehemence with which the Conservatives dismissed ID cards, having voted for them in the first instance, but we must set that issue aside.

Damian Green *rose—*

Mr. Heath: The hon. Gentleman is about to tell me that he voted against ID cards.

Damian Green: Indeed; I should put on record once again the fact that even when my party was misguidedly in favour of identity cards, I voted against them, and I am delighted that a greater wisdom has now settled on my party.

Mr. Heath: I am grateful to the hon. Gentleman—he at least is consistent even if all around him inconsistency reigns supreme.

May I address a minor point raised by Lords amendment No. 3, and urge the Minister to spend a little time explaining to the House the issue of the Secretary of State's state of mind when those decisions are made? Each consideration that the Secretary of State must make is couched in similar terms. Proposed new paragraph (a), for example, says that a document can be cancelled if

> "the Secretary of State thinks that the information provided in connection with the document was or has become false, misleading or incomplete".

In proposed new paragraphs (a) to (f), it is perfectly proper to use the words,

> "if the Secretary of State thinks that",

because the Secretary of State must form a reasonable view, but I question their use in proposed new paragraphs (g),(h),(i),(j) and (k). Is it not writing into statute an admission on the Government's part of just how incompetent the Department has become? It suggests that the Secretary of State thinks that "the holder has died" or that they have

> "been removed from the United Kingdom (whether by deportation on otherwise)".

The Secretary of State does not know whether someone has been deported, but thinks that they might have been, so will cancel the relevant documents. I would prefer a little more certainty in that Executive area. I accept that that is a forlorn hope, given the nature of the Department, but it is not unreasonable to expect a deportation to have taken place or an order to have been made. That is preferable to the pious expectation on the part of the Secretary of State that something might have happened. It might not have happened—who cares?—we will take the documents anyway.

I am sorry if that observation sounds flippant, but it is based on reality. The Government's record on deportations, and on assessing someone's leave to enter and knowing whether they have retained the leave to enter or to remain, is not a good one. I would expect the statute to be framed in terms of greater certainty, so I would welcome the Minister's observations on that specific point.

Mr. Byrne: I am grateful for those observations and for the opportunity to clarify one or two points. The relationship with ID cards is fairly simple to spell out. The technical infrastructure on which the cards will be issued is the same infrastructure as will underpin biometric visas, biometric immigration documents and, in turn, ID cards for British citizens, which is why it is difficult to propose shutting down bits of the system without affecting the integrity of some pretty important border controls, including biometric visas, with which Opposition parties profess to agree. Biometric immigration documents can be designated under the terms of the Identity Cards Act. Obviously, in their original issue they will not be so designated, but that will be possible in future, and cardholders will come under the protections that become available to people under that Act.

[Mr. Byrne]

The cards themselves will be the same technical design as we propose for ID cards for British citizens, which is two fingerprints and a facial image on a chip on the card, and 10 fingerprints and a facial image on the national identity register. The hon. Member for Ashford (Damian Green) makes a good point about the appeal mechanisms that are required if somebody's card is cancelled. In effect, when a person's leave to remain is cancelled at the same time as a biometric immigration document, or if the application for leave is refused, the person will be able to appeal through the existing system before the asylum and immigration tribunal, and where there is no right of appeal the individual can bring a judicial review under the usual principles.

With regard to the belt-and-braces approach to the drafting of the legislation, I have said on the record that the way in which our systems for counting people in and out of the country were phased out was a mistake, and all of us bear some culpability for that decision, but we need to reintroduce such systems, which will give us a degree of control that we do not have today. That will mean, I hope, that these provisions become obsolete, but at the moment I hope that I will be forgiven for saying that a belt-and-braces approach is quite valuable.

Damian Green: I am grateful for the Minister's kind remarks. I was not quite clear from what he said whether the particular biometrics on the document will be exactly the same as he proposes to put on the ID cards and the ID register for British citizens.

Mr. Byrne: That is the intention, yes. I commend the amendments to the House.

Lords amendment agreed to.

Lords amendments Nos. 2 to 6 agreed to.

Clause 7

EFFECT OF NON-COMPLIANCE

Lords amendment: No. 7.

3.45 pm

Mr. Byrne: I beg to move, that this House agrees with the Lords in the said amendment.

In Committee, we had a useful and at times passionate debate about the need for the Border and Immigration Agency to step up to its responsibilities to keep children safe from harm, and this is not an unrelated area. It is increasingly important to ensure that the identity of children in the immigration system is well understood and locks down. That is why we propose to issue biometric immigration documents to those people under 18 in the immigration system .

As the House will know, the ambition in the policy is for all foreign nationals to be compelled to have such a card in time. With any system of compulsion, however, there is the unfortunate necessity of a sanction for non-compliance. It is not a reasonable proposition to introduce the sanctions that we have debated in order to take action against children, and we therefore propose a designated adult as the alternative. We will seek to make the adult aware of that responsibility, and there is, of course, the comfort that if a civil penalty is imposed, the adult can object or, indeed, appeal. The amendment seeks to close a gap in the operation of the civil penalty regime.

Mr. John Gummer (Suffolk, Coastal) (Con): The Minister is distinguished by the courtesy with which he has dealt with these matters. He has mentioned that when there is compulsion, there is unfortunately always a need to have some recourse. Given that we are dealing with children as well as adults, will he explain why the courtesies have been removed from the border arrangements in all those circumstances and why there is no question of asking anybody anything? There are no pleases or thank yous, and the whole process has become peremptory. Is that not a bad thing, particularly when we are dealing with children?

Mr. Byrne: I spend a good deal of my week visiting our ports and airports—I hope to go to Portsmouth tomorrow, and I was at Stansted a week or two ago. Border and Immigration Agency staff are a courteous bunch, and for those who travel internationally, as I used to—sadly, that is no longer the case—the courtesy of our welcome is good compared with others. If, however, the right hon. Gentleman were to point out specific examples, I would be happy to investigate them, because the courtesy of our welcome is long-established and important to preserve.

Mr. Gummer: The courtesy of the staff is unfailing; the notices are much more discourteous than they were—they are peremptory and many would say rude—and this is a good opportunity to change that.

Mr. Byrne: I thank the right hon. Gentleman for his remarks. I will re-examine those notices, most of which were authorised by me, and consider precisely how they are written.

I will not dwell on the amendment at length. The Government are seeking to close a gap in the legislation, and I commend the amendment to the House.

Damian Green: Again, I have no objections in principle to the amendment, but I seek clarification from the Minister. The amendment would

> "designate an adult as the person responsible for ensuring that a child complies with the requirements of the regulations".

I am genuinely unsure who the Minister means by a "designated adult". Would that include a foster carer? I am sure that he, like me, has met many people who have been foster carers and who therefore deserve our admiration and support, which is particularly true of those who take in unaccompanied children who have come to this country. Such children may not speak the language; they may have experienced trauma in their lives; and they may experience difficulties in adjusting to a new society. Will the Minister clarify whether the "designated adult" could be a foster carer? If so, and if the child were involved in an infringement, would the adult be in any way responsible, as the amendment suggests, and would that "designated adult" be subject to penalties, which would give rise to even greater difficulties than those we face at the moment in persuading people to become foster carers?

Secondly, I want to ask the same question in a different context. If the designated adult were appointed to represent an individual child by the local authority in a legal case involving adoption or another matter involving children, would the sanctions apply to that individual child only, in which case what is the point of designating the adult? As it stands, the amendment is confusing; it does not appear to achieve anything very much. If my second assumption is right and the designated adult mentioned is a guardian appointed by the court, I should say that there are only so many courts to go around and they are extremely hard-pressed at the moment. If added work and pressure are to be put on the court system, there may well be resource implications—in respect of not only asylum-seeking children, but children generally.

Such examples are hypothetical, but they go to the heart of what is not clear in the amendment. I should be grateful if the Minister cleared that up.

Mr. Heath: I shall also raise the issue addressed by the hon. Member for Ashford (Damian Green). Designation is fine when there is an appropriate designated person; if a parent or adult guardian enters the country with the child, there will be no difficulty in identifying who should be the designated person. However, I should be grateful for a small explanation from the Minister of how a designation would be made on the entering into the country of an unaccompanied child or a child unaccompanied by any obvious adult who may properly be said to have care and control over them. Would a person from the local authority be designated, or would there be children without a designated adult for that purpose?

I should like to make a brief observation about the intervention made by the right hon. Member for Suffolk, Coastal (Mr. Gummer). The Minister says that in his current role he does not travel abroad often; I fully understand that, as he has a lot to deal with here. Perhaps he has never visited some of the southern states of the US. The United States has always been notorious for their rather unhelpful immigration process. However, if the Minister visited Dallas Fort Worth airport, he would see a welcome innovation that we might consider. Volunteers—normally of retirement age; people who give their time freely—walk up and down the queues at immigration control to proffer support and help and ensure that the forms are filled in correctly and that people are queuing in the right places. Those volunteers give a genuinely warm welcome on behalf of the state of Texas. We might consider such an idea for some of our busier airports.

Mr. Gummer: Does the hon. Gentleman agree that the courtesy of the people at the desks has also improved? The only trouble is that such people wish to chat with the travellers. I was lectured for some time on the subject of global warming from the Bush point of view, and wondered whether it was immoral of me not to argue because I wanted to get through. Perhaps I should have had a proper debate.

Mr. Heath: That is a real dilemma. The experiences are still variable; despite my possible future best interests, I am not here to sing the praises of US immigration control staff. However, easing if possible people's passage into a country and reassuring them that they are doing the right thing in what are a difficult few moments—or few hours, sometimes—would be worth considering as a model to emulate. I commend it to the Minister.

Mr. Byrne: I consider every couple of weeks the arrangements between BAA, the Border and Immigration Agency and other partners, and I must confess that we have not yet got the reception arrangements entirely right. I am not sure that BAA contractors have quite matched the service that the hon. Gentleman has observed at Dallas Fort Worth.

4 pm

I am grateful to the hon. Member for Ashford (Damian Green) for the opportunity to clarify this point and glad that he agrees with the principle. He will remember from debates in Committee that the code of practice that will need to be set alongside the implementation of the civil penalty regime will be subject to public and other scrutiny. This is one of the most important questions on which we will need to consult as regards that code. It is possible that parents could be designated, but so could permanent carers, relatives with parental responsibility for children in their care, or guardians. Of course, before we seek to draft the code we will consult local authorities and child exploitation and online protection teams, as well as Government and non-Government agencies. I hope that the House will see the results of that consultation fully reflected in the code that we put to it for consideration.

Lords amendment agreed to.

Clause 8

USE AND RETENTION OF INFORMATION

Lords amendment: No. 8.

Mr. Byrne: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Speaker: With this we may discuss Lords amendments Nos. 9 to 15.

Mr. Byrne: There are two packages of amendments in this group: Nos. 8 and 14 and Nos. 9 to 15, excluding No. 14. I will take each in turn.

Amendments Nos. 8 and 14 are designed to define exactly what the Home Secretary can do with the information, specifically biometric information, that is retained. Hon. Members will remember that we had a wide-ranging and important debate on this in Committee, where I was very sympathetic to many of the arguments that were made. There was assent in all quarters that the rather blanket powers that we were proposing to put in the hands of the Home Secretary could, under some circumstances, be a little problematic. Opposition Members tabled helpful amendments seeking to bind that power a little more tightly. I had concerns about how some of them were phrased, particularly in relation to prerogative powers, so I undertook to go away and come back with a better package, as I have sought to do. I think that the purposes that we have set out comprise a good list that

[Mr. Byrne]

touches on some of the points that were acknowledged as important on both sides of the Committee, including the possibility of retaining such information for the purposes of crime protection, immigration control, national security and nationality. Those issues were all raised, and I hope that the House will see them adequately reflected in the amendments, which also preserve the common law powers whereby the Home Secretary already has to share data.

Stewart Hosie (Dundee, East) (SNP): I broadly agree with the Minister. The previous drafting basically allowed the Home Secretary to do anything he or she liked with the information. The new provisions are slightly tighter in relation to immigration, borders and nationality, until we get to paragraph (f), which contains the phrase:

"for such other purposes...as the regulations may specify."

Can the Minister give us a little comfort by confirming that the initial drafting of the regulations will be tight and that it is not the intention to return to what we had in the original Bill?

Mr. Byrne: That is an important point. I am happy to give the hon. Gentleman that comfort. We were merely conscious of the fact that because identity fraud is a fast-moving area, it is necessary to have a degree of flexibility, subject to the order-making provisions in the Bill, to ensure that we do not have to keep coming back to the House to ask for primary legislation.

Mr. Heath: Although I accept that this is a fast-moving area, the provisions must be related to an offence. If not related to an offence, they must be concerned with national security or one of the other issues laid down in previous provisions. It is a little difficult to understand why the Minister feels the need for such a wide provision in the final subsection.

Mr. Byrne: I suppose that the fault to which I am confessing is that I am not perfectly clear sighted about what the future will bring. Organised crime is at work and the nature and design of crime is changing in this area, which is why we could require further provisions. Rather than having to come back to the House to keep asking for different bits of primary legislation, we may need to preserve the possibility that different functions need to be added subject to the scrutiny arrangements in the Bill.

Mr. Jim Cunningham (Coventry, South) (Lab): I was not on the Committee that dealt with the Bill, but where are we in relation to the Schengen proposals of about 10 years ago?

Mr. Byrne: We are still outside the Schengen agreement, and while it remains difficult to see how effective policing of Europe's external border could keep this country safe, that is a position we propose to preserve.

The second package of amendments is important because it provides an extra layer of protection for biometric information. That was the intention of the original clause, but it was not clear enough. There are already protections in place for biographical information, principally the Human Rights Act, especially article 8, and the Data Protection Act 1998. There are parliamentary precedents for additional protection for biometric information—specifically the need to set out when destruction of biometric information should be undertaken. Our plan is to set out regulations on the retention and destruction of information in this area. There is a carve-out for cases where biometric information is shared with agencies such as the police. In such cases, the Data Protection Act and the Human Rights Act provide the requisite protection. It would be difficult for the Secretary of State to be responsible for the destruction by the police of biometric information shared with them.

These largely tidying-up amendments are designed to give a clearer expression to our original intentions, and I commend them to the House.

Damian Green: While we are all telling anecdotes about border services, I would like to add that the last time I flew through New York, about 12 months ago, the service was not just exemplarily polite but rather quicker than what I experienced going through Heathrow as a UK citizen. On one of the last occasions that I flew through Heathrow, a group of American tourists were wandering through, about to enter Britain when they did not want to because they were trying to transfer flights. I looked at the signage and I could see why they were in the queue to get into the country; it was worded in such a way that they would never have assumed that they could go the way they were supposed to. As a final point, the person who looked at my passport was not wearing one of the Minister's new uniforms, so they are not universal yet.

David T.C. Davies (Monmouth) (Con): While we are still on anecdotes, has my hon. Friend noticed the sort of thing that I have experienced, where the queue for non-European Union residents is almost zero while UK and EU residents have to queue for long periods of time? Perhaps there is an argument for ensuring that citizens of Great Britain can get back into their own country without having to queue a lot longer than those who come from outside even the EU.

Damian Green: I will leave the Minister to deal with my hon. Friend, who makes his point with characteristic clarity.

I would like to extend the point made about the Schengen agreement. The Minister has helpfully confirmed that the Government will not sign up to it. Will he also confirm that the Government will maintain our position on the Commission's blue card proposal, and that they have no intention of giving up our reservation on that?

As the Minister correctly said, Conservative Members expressed a great deal of anxiety throughout earlier debates about the catch-all quality that the measure would grant the Home Secretary. In so far as the powers are now less all-embracing, we welcome the step forward. Again, several questions have arisen during the Bill's passage through both Houses, which Ministers have not yet answered. I hope that the Minister can do that now, in the last knockings of our proceedings.

My first question relates to the use of documents in the proposed national identity register. When the information is destroyed—for which the group of amendments would provide—will it be removed altogether from the national identity register? If the intention is to destroy sensitive personal information, it will be more reassuring for those to whom it refers to know that no traces of it exist anywhere on a register, which many of us believe will be a honeypot to hackers, and a principal target of global attack by hackers who may have nefarious purposes, such as fraud, in mind.

My second question is about the spread of information around Departments. The national identity register is a compendium of three different Government computer systems—if they all talk to each other. That is a large assumption, but I shall make it for the purposes of the debate. Is it the intention to add the new biometric information to all three systems that will form the national identity register? What tests have been conducted to ensure that that is technically possible? I appreciate that those are technical questions about the future, but the Minister will understand the thrust of the point: even though he has restricted the Home Secretary's powers, which is good, genuine, serious questions remain about the proposal's practicality. I hope that he can tackle them.

Mr. Heath: I do not want to add a great deal to the comments that I made in my interventions. It would be churlish, to use a fine parliamentary phrase, to complain about a move in the right direction by the Minister in Lords amendment No. 8. It is better to have some rather than no specificity about the purposes for which the information can be used. However, I still find proposed new paragraph (f) difficult because it appears to open the door to any further thought that a future Home Secretary—or the current Home Secretary in the regulations—might have about extending the purposes for which the information could be used. I strongly argue that the list in proposed new paragraphs (a) to (e) is comprehensive and covers the proper use of the information that is to be held.

The Minister says that he cannot foresee future developments in criminal behaviour. Of course he cannot—none of us can. One problem is that we are always running to catch up with new developments, especially in identity fraud offences. However, we can be sure that any nefarious activity will occur in relation to prevention, investigation or prosecution of an offence, nationality or national security. It is therefore unnecessary to include a further proviso which falls outwith all the previous provisions. My concern is not sufficient to argue that hon. Members should reject the amendment, but it poses the question why the Minister insists on retaining the remaining catch-all provision. The more definition he can give as to how he will not use proposed new paragraph (f), the more satisfied we will be that there is no potential or real threat of extending the use of information into quite different areas that we might find entirely inappropriate.

4.15 pm

Mr. Byrne: I should like to put the mind of the hon. Member for Ashford (Damian Green) at rest. I am not sure whether they are ideas or proposals from Commissioner Frattini about the blue card scheme, but we certainly have no intention of joining those proposals, and I suspect that we shall not be alone among the European member states in striking that position.

Let me pick up on the three points of substance that were raised in the debate. The first was an important point about whether destruction would effectively mean destruction. The answer is yes. Of course, that will be set out in slightly longer sentences when the regulations are introduced. As the House will know, those regulations will be subject to the affirmative resolution procedure, so I hope that there will be an opportunity for a longer debate on the matter. For the purposes of this afternoon, however, I hope that that underlining will be sufficient.

On the question of sharing information, the hon. Member for Ashford (Damian Green) tempts me. He knows that my background is in the technology business. I shall try not to detain the House for hours and hours—although I happily could—about the system architecture that we proposed in the strategic action plan published last December. In a nutshell, the system will effectively link together an existing Government database called CIS, which is a repository of biographical information, and a new database that will contain the biometric information. That will allow us to hard-wire a link between a single biographical record and a single biometric record. There are some pretty strong safeguards around duplication.

Stewart Hosie: We have already debated the question of access from a remote site to check the central database, once the eyes or the face of a person have been scanned where a transaction is taking place. Is the Minister suggesting that the two separate repositories will be hard-wired together, or will they be merged into a single repository to allow that checking to happen?

Mr. Byrne: Mr. Speaker, I know that you will be careful not to let me go back over the strategic action plan, which provided the answer to that question in 30 pages last December. However, I will happily send another copy of it to the hon. Gentleman by way of explanation, if I may.

The hon. Member for Somerton and Frome (Mr. Heath) made an important point, and I can give him some comfort, although I am not sure that I can wholly satisfy him. Proposed new paragraph (f) contains the phrase:

> "for such other purposes (whether in connection with functions under an enactment or otherwise) as the regulations may specify."

The Secretary of State already has common law powers relating to the way in which information may be shared with other parts of the Government, and they are subject to the safeguards set out in the Human Rights Act 1998 and the Data Protection Act 1998. This area is therefore not protection-free; there are some quite important protections already in place. The provision is designed to ensure that those common law powers are not diminished. The only comfort I can give the hon. Gentleman is to underline the point that it refers to functions

> "under an enactment or otherwise".

[Mr. Byrne]

There is a functional specification in the list, which creates some boundaries, but the principal purpose of the measure is, in effect, to preserve the status quo—namely, the power that the Home Secretary already has to share information with others. I commend the Lords amendments to the House.

Lords amendment agreed to.

Lords amendments Nos. 9 to 16 agreed to.

Clause 19

POINTS-BASED APPLICATIONS: NO NEW EVIDENCE ON APPEAL

Lords amendment: No. 17.

Mr. Byrne: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Speaker: With this, it will be convenient to discuss Lords amendment No. 18.

Mr. Byrne: These are technical amendments, for which I am grateful to the Delegated Powers and Regulatory Reform Committee. In the Bill as drafted, we sought to make some changes in the way that evidence was submitted once the points-based system was in place. In particular, we wanted to avoid the nonsense of having late evidence provided at the last minute. We sought to introduce the changes in the immigration rules, but the Delegated Powers and Regulatory Reform Committee made the helpful point that we were looking in the wrong place to introduce those rules. In fact, powers relating to rules about the presentation of evidence to the asylum and immigration tribunal should be exercised by the Lord Chancellor, not the Home Secretary. The amendment is thus designed to correct the legislation on that point. The key phrases in question will now be defined in AIT procedure rules made by the Lord Chancellor, not in immigration rules made by the Home Secretary. I commend the amendment to the House.

Damian Green: This group—and, indeed, the previous group—provides a welcome step forward in clarification. In respect of the previous group, a degree of parliamentary scrutiny can be provided. I have sat on many Public Bill Committees in which scrutiny is batted back and forth. It is always good when we get to the end of the procedure and Ministers admit that some degree of parliamentary scrutiny is quite useful and that it should apply beyond the original point where the Bill is passed and should also apply to regulations or, in this case, codes of practice that are introduced as a result of legislation.

My noble Friends in the other place were particularly keen for this power to be vested in the Lord Chancellor rather than the Home Secretary, which was also recommended by the Delegated Powers and Regulatory Reform Committee. I am glad that the Government have acceded to this change. As the Minister says, it is a technical change, but it improves this small corner of the Bill.

Lords amendment agreed to.

Lords amendment No. 18 agreed to.

A New Clause

CHILDREN

Lords amendment proposed: No. 19.

"Children

(1) The Secretary of State shall issue a code of practice designed to ensure that in exercising functions in the United Kingdom the Border and Immigration Agency takes appropriate steps to ensure that while children are in the United Kingdom they are safe from harm.

(2) The Agency shall—

(a) have regard to the code in the exercise of its functions, and

(b) take appropriate steps to ensure that persons with whom it makes arrangements for the provision of services have regard to the code.

(3) The code shall come into force in accordance with provision made by order of the Secretary of State; and an order—

(a) shall be made by statutory instrument, and

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The Secretary of State shall from time to time review and, if necessary, revise the code; and subsection (3) applies to a revision as to the original code.

(5) In this section—

(a) "the Border and Immigration Agency" means—

(i) immigration officers, and

(ii) other officials of the Secretary of State, and the Secretary of State, in respect of functions relating to immigration, asylum or nationality, and

(b) "child" means an individual who is less than 18 years old."

Mr. Byrne: I beg to move, That this House agrees with the Lords in the said amendment.

Damian Green: I beg to move amendment (a) to the Lords amendment, in line 10, at end insert—

'(c) record in documentation when staff and the Agency depart from the code

and the reasons for such departure, and

(d) inform the Office of the Children's Commissioner in the relevant constituent part of the United Kingdom on each occasion when it has departed from the code.'.

Mr. Speaker: With this, it will be convenient to discuss amendment (b) to the Lords amendment, in line 25, at end add—

'(6) (a) This section shall come into effect six months after the day on which this Act is passed.

(b) During the time specified in subsection (6)(a) the Secretary of State shall consult such organisations as he considers appropriate on the contents of the code.'.

Damian Green: We have some difficulties with amendment No. 19, which their lordships have proposed. That is why my hon. Friend the Member for Reigate (Mr. Blunt) and I have tabled amendments (a) and (b), which deal with the treatment of children. I am sure that all those who participated in debates on the Bill throughout its various stages will agree that the treatment of children has been the most sensitive and difficult issue, and the one on which, quite rightly, we have spent most time.

The Government's response to the widespread criticism of their original proposals, not just from Opposition parties, but from the many bodies that devote their lives to helping children in vulnerable positions, is amendment No. 19 and the decision to issue a code of practice, which according to the Bill seeks to ensure that the Border and Immigration Agency takes steps

> "to ensure that while children are in the United Kingdom they are safe from harm."

The Minister will be aware that many of the groups in the Refugee Children's Consortium regard that as inadequate because it simply is not good enough in terms of the duties and responsibilities that any Government have towards children in this country. The Opposition also believe that it is inadequate if we are to fulfil that important purpose, hence amendments (a) and (b), which would provide extra protection, in as much as we can influence the Bill.

The key is what duties should be imposed on the BIA when it comes into contact with children, as it sadly frequently does. Our original argument in an earlier debate concentrated on section 11 of the Children Act 2004, which imposes on public bodies a greater duty of care for children in their hands than the Government are prepared to accept in the Bill. Ministers in both Houses argued consistently that if they did that, it would be impossible for immigration officers to do their job properly. Instead, we now have the code of practice, which does not incorporate the section 11 duty to promote the welfare of children. That places a weaker duty on Government agencies than the duty that relates to indigenous children in England and Wales. The Government are not conferring any explicit statutory safeguarding duty for the BIA in the Bill. Although the amendment makes the Bill better, I do not, to quote the hon. Member for Somerton and Frome (Mr. Heath), wish to be churlish, but it is still not good enough.

The Government have argued consistently that any attempt to impose section 11 would restrict the primary function of the immigration service. Indeed, a Minister said that any such duty would

> "severely compromise our ability to maintain an effective asylum system and strong immigration control". —[*Official Report, House of Lords*, 17 June 2004; Vol. 662, c. 996.]

I imagine that the Minister for Borders and Immigration will respond that way again today.

That assertion, however, has been tested during the Bill's passage through both Houses and has been found wanting. No one disputes that the primary function of the immigration service is to ensure effective immigration control. Indeed, we have made many proposals that would improve the effectiveness of that control. However, other Government agencies also have a different primary function and they are still included in the duty under section 11. That does not appear to have had a negative impact on their performance. The Minister will be well aware that the police have a similar duty. I have never heard Ministers argue that the police cannot exercise their proper central functions while having regard to the constraint of section 11. The police, much more than immigration officers, must take control of situations daily where the immediate welfare of a child, who may well be committing an act of violence, may be compromised. That immigration officers cannot fulfil their duties while obeying the constraints of section 11 is one of the Government's weaker arguments.

4.30 pm

The specific duty of care is not contradictory to the primary function; it simply qualifies the manner in which that primary function is exercised. The explanatory notes to the Act state that the duty is intended to ensure that agencies are conscious of the need to safeguard children and to promote their welfare in the course of exercising their normal functions. That is a key witness in the Government's argument. The Minister will be aware that the Refugee Children's Consortium has taken legal advice, which suggests that section 11 would not prevent the Home Secretary from implementing the removal directions for a child or for his or her family and would at most affect the manner in which the removal occurred.

The Minister will be aware that no one on this side of the House would wish to compromise the ability of the immigration service to perform acts such as the removal of those who should not be in this country, but unless the Minister can produce alternative and contradictory legal advice, Ministers ought to take some comfort that they could proceed in the manner that they have consistently rejected throughout the Bill's passage. I am sure that the Bill should be enhancing child safety and the Government recognised that by tabling their own amendment and by producing the code of practice, which is now before the House. It is a matter of great regret that Ministers have not taken the next step forward and agreed to incorporate section 11.

On the code of practice, which is specifically mentioned in the amendment, the Minister will be aware of controversy in the other place when the code was introduced, simply because it appeared to be placed in the Library about 20 minutes before their lordships were due to debate it. A number of my hon. and noble Friends said that that was shoddy and, frankly, not the way in which they should be treated. I have a degree of sympathy with that.

At least we in this House have had time to read the code of practice, which is still in draft form, so there is still a chance to influence it. We are concerned that the code of practice does not reflect the full spirit of section 11 and I seek to obtain further assurances from the Minister. He will know that amendment (a) concerns the recording of information about when the BIA or its contractors has departed from the code of practice. We believe that recording is essential to monitor the implementation of the code and, in particular, to contribute to the culture change in the BIA that the Minister has consistently said he wants to see.

I do not suppose that anyone wants the procedure to be long and bureaucratic, but one thing it must be is transparent, which is why we have said that the information should be made available to the Office of the Children's Commissioner. It is also vital that this requirement is rolled out across the whole of the BIA as part of its normal training programme and not just to those areas where children are dealt with most frequently or where a breach is most likely to occur.

Stewart Hosie: I have a lot of sympathy with the points being made and I understand the requirement to record breaches in the code, but I have a question on the reference to the OCC in the second part of amendment

[Stewart Hosie]

(a). I am not convinced that that is the best place for this work to be done. If the breach of the code relates to health, education or a justice matter, for example, would it not be better in Scotland for that to be reported to the relevant Cabinet Secretary or to the local authority, the education department or the local health board? I am trying to understand the logic of why the OCC should be involved in this matter after the recording has, correctly, been done by the agency itself.

Damian Green: I am grateful for the hon. Gentleman's qualified support. The reason for choosing the OCC in the relevant constituent part of the UK—a point I hope he would welcome—is that that office will have as its first concern the welfare of children. It will always be open to the OCC to refer matters to other agencies if their involvement is required, but to try to specify a long list of potential agencies would give rise to a less elegant amendment. The principal point is the need for transparency. If breaches occur, somebody must be responsible for having them reported, and they must be somebody that this House and everyone involved can be reasonably certain will take effective action. I have confidence in the OCC to do that. As it is the best body to go to, this is the most effective way of protecting the interests of children—and if the OCC were not an effective way of protecting the interests of children, we should all be worried because that is what it is for.

The second assurance I seek from the Minister is in response to something said by his noble Friend Lord Bassam on Third Reading. There was a discussion about whether the code could be applied retrospectively to existing contracts. Lord Bassam was not particularly precise on that. He said that

> "the advice that we have received is that it can be applied to existing contracts through the notice of change procedures already in place. We intend to ensure that the Border and Immigration Agency has a system of monitoring contractors' performance by measuring them against a set of standards devised for the specific activities that they carry out for the agency."—[*Official Report, House of Lords*, 23 October 2007; Vol. 695, c. 1002.]

He did not state, however, whether all existing contracts would have the code of practice applied through the notice of change procedures. He simply said that it could be done. I would be grateful if the Minister could clarify that—I hope that he makes it clear that the code of practice will be applied in all such cases, and not just that it might be applied.

Amendment (b) has been tabled simply in the hope—particularly in light of what happened in the other place—that everyone involved has sufficient time to agree the code. As we are taking half a step forward when we should be taking a full step forward, we must ensure that the code is supported by all who have the welfare of children at heart and that it is an effective code of practice.

I recommend my amendments to the Minister and the House.

Mr. Heath: I welcome Lords amendment No. 19. I am glad that Ministers were eventually persuaded by what was a strong coalition of interests in another place. Not only my noble Friends and those of the hon. Member for Ashford (Damian Green), but Cross-Bench Peers, right reverend Prelates and most reverend Primates, were involved in making the strong arguments that, where we have a clear commitment through the Children's Act 2004 and our international obligations to the welfare of children, there is no reason why that should not apply in the sphere of Government activity under discussion as much as in any other. That is not to undermine the executive actions of the Border and Immigration Agency, because that would be absurd, any more than it is to undermine any of the other activities of Government that we require it to commit to the welfare of the child through pre-existing legislation and our treaty obligations. There must be a reconciliation with the proper interests of children as being a specific and vulnerable case, which needs to be addressed in respect of how things are done in the name of the state when it has an application that impinges on children. That is what was argued for strongly. There was resistance to that view in another place. I recall that the Government won a Division by a majority of one on precisely this issue before they chose to incorporate the new clause in any case.

That much is welcome, but I understand the arguments for amendment (a) made by the hon. Member for Ashford. Unless we have a clear view of the actions that are in breach of the code of conduct, neither we, nor, more importantly, those outside this House who have a genuine interest in the interests of the child, will be able to monitor the adequacy of the arrangements that have been put in place. What he suggests in amendment (a) seems sensible.

I accept the point, made in an intervention, that the Children's Commissioner may not always be the most appropriate person to be notified, but he is an entirely appropriate mechanism for ensuring that whatever breaches occur are put on the official record and are then actionable by the appropriate authorities. If the hon. Gentleman presses his amendment to a Division, I shall advise my right hon. and hon. Friends to support him.

I am less convinced by amendment (b), simply because I do not believe in delaying what ought to be in place ab initio in child protection. Although the argument is that a six months' delay will allow proper consultation with all the organisations concerned to ensure that things are done adequately, I would prefer the provision to be in place from the start of the implementation of this Bill, when enacted. If we treat Home Office Acts as being of a kind, it is possible that implementation of the Act may not, in any case, be for some time—indeed, the Act may well be repealed in whole or in part before it is ever implemented. That is how the Home Office manages its affairs. Let us take it on trust that it intends to implement this Bill and that once on the statute book, it will have a real effect.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Does the hon. Gentleman agree that it is important for there to be consultation with the children's organisations, charities and voluntary bodies? They stand up for children, and one would certainly want an assurance that such full consultation about the code of practice would take place.

Mr. Heath: I want to hear the assertion that such consultation has already happened. I want the Minister to say from the Dispatch Box that he has already listened to that range of organisations that have an interest to ensure that their views are being taken, and have been taken, into account in preparing the code.

Damian Green: I assure the hon. Gentleman that my meetings with children's organisations over the past week suggest that whether or not the Minister feels that he has adequately consulted them on this code of practice, they do not feel that their views have yet been adequately reflected in it.

Mr. Heath: That is precisely why I was looking forward to an assertion from the Dispatch Box by the Minister, so that it could be relayed back to those organisations.

The last point that I want to make is that the Minister has accepted that the provision should apply not only to the agency, but to any contracted organisation that it might use to fulfil some of its duties. Again, there should have been no argument about that. It is absolutely straightforward. It should not have posed any question. The hon. Member for Ashford asked the Minister about the slightly less than lucid response from Lord Bassam. I have known Lord Bassam for a very long time, and his responses are often not quite as comprehensible as perhaps they should be, but I hope that the Minister will tell us exactly what he meant. Perhaps he simply meant that he was unsighted on the issue in another place, and perhaps the Minister can fill in the gaps for us this afternoon. On that basis, I will certainly not oppose Lords amendment No. 19, but I will support amendment (a) if the hon. Member for Ashford presses it to a vote.

4.45 pm

Mr. John Redwood (Wokingham) (Con): I congratulate my hon. Friend the Member for Ashford (Damian Green) on pressing this issue with hon. Members and those in the other place. I should like to thank the Government for listening and making some response. That is a welcome feature, but I rise to support his wish for the Government to go a bit further. The problem that they face is that they have made a concession in the form of a code of practice, which has nothing like the teeth that it would have if it were a statutory requirement or a procedure laid down in law.

My hon. Friend's proposal is a good way to bridge the gap between a clear law on the one hand and a rather weak code of practice on the other. He suggests that, where the code of practice is not followed, it should be a matter of report, so that the people who follow the procedures will understand that it is not just any old code of practice that came round in an e-mail a year ago that has been forgotten about, but something that is part of their operative procedures. I hope that the Minister will accept amendment (a) in that spirit and that, having made the move to welcome the idea of a code of conduct, he will wish to see it firmly written into procedures, because there is a consensus in the House and the other place that the problem of children is very special in the context of our immigration service.

As my hon. Friend has said, many Conservative Members wish to see stronger and better policing of our borders in all sorts of ways, but we also think that the rights of children need to be looked after.

Mr. Byrne: The Government agree with Lords amendment No. 19, but resist amendments (a) and (b) for reasons that I will set out, but before I do so, I wish to put on the record my personal thanks to right hon. and hon. Members on both sides of the House who have taken part in debates in the Chamber and in Committee. The hon. Member for Ashford (Damian Green) is right to say that this has been one of the most important parts of our debates, and I am grateful for the light that that has shed on the question.

I am also grateful to Professor Al Ainsley-Green, the Children's Commissioner, with whom I have met and discussed these proposals; to the Refugee Children's Consortium, which includes Barnardo's and the Children's Society; and to the Association of Directors of Children's Services in England and officials in devolved Administrations not only for the help that they have given to us in getting the duty that we have introduced framed in the way that we have, but for the assistance that they have given to us in putting together a much broader programme of reform in how the Border and Immigration Agency treats children.

This duty is one of four important measures that I have introduced over the past 12 months. We have the duty that we propose here. We have the new safeguarding code. We are now in the process of piloting alternatives to the detention of families with children. That pilot scheme will soon be operational. Of course, we are also consulting publicly on how our policies on unaccompanied asylum-seeking children can be changed. In particular, I am keen to see a much stronger provision of local authority care, with specialist authorities coming forward to look after unaccompanied asylum-seeking children, thus providing much greater protection than is currently available. It is not a case of eventual persuasion being needed, but part of a much broader and systematic programme of reform across the BIA.

There have been debates about section 11 in the Chamber, in Committee and in another place, so I shall not rehearse all the arguments, save to point out that section 11 of the Children Act 2004 contains a double-headed duty. It is not only about keeping children safe but about promoting their welfare. The hon. Member for Ashford errs just a little when he colours the argument by stating that Ministers say it would be impossible to enforce the immigration rules if section 11 was imposed on the BIA. That is not the argument. The argument is that it would create the risk of judicial reviews and other legalistic devices being thrown against the agency, which will slow down its ability to remove people to the country from which they came—when courts have said it is appropriate to do so. Where there are chinks of light for people who want to resist BIA actions, they are pursued with some force, so my concern is that when Home Office lawyers and, in particular, BIA operational leaders, say that there is a risk that judicial reviews will multiply, it will slow the process of legitimate removal. That is dangerous, because where there are barriers to legitimate removal, we know they will be exploited by those who seek to do children harm.

[Mr. Byrne]

In a nutshell, if a section 11 duty was imposed on the agency, it would not be a risk-free measure; it would create a new risk—that the deportation removal process would be slowed down—and we know that is bound to be exploited by those who could do children harm.

Mr. Heald: As the Minister's code of conduct is only one to which the agency shall "have regard" rather than one that has to be strictly followed, does not he agree that there needs to be a mechanism to protect children, such as that set out in amendment (a)? If that is not to be the protection, what is?

Mr. Byrne: I shall deal with amendment (a) and the protections, which are important, in a moment.

David T.C. Davies: In my dealings with the Minister, he often gives the impression that he shares the widespread concern about the abuse of the asylum system. If he is concerned that judicial reviews and taxpayers' money, which funds legal aid and lawyers, are being abused, would not it be more sensible to discuss with his colleagues in the Ministry of Justice how we can prevent fatuous legally aided appeals in the first place rather than circumnavigating section 11 of the Children Act?

Mr. Byrne: The hon. Gentleman has a keen eye for some of the practicalities of the debate; he will be delighted to hear that discussions are ongoing with my colleagues in the Ministry of Justice.

The upshot of my argument is that to accept section 11 is not risk-free and I am not prepared to take that risk at this stage. There are a number of necessary consequences. The first is that the code must apply to BIA contractors—a point put to me forcefully by children's charities. I am happy to accept that principle, which is important because the BIA works with contractors to provide both detention and escorting facilities. I can be clearer than my noble Friend, Lord Bassam: the code will apply to BIA contractors currently on the books and it will apply to BIA contractors in the future.

The reason I resist amendment (a) is fairly straightforward. The hon. Member for Ashford put his finger on the key principle—transparency. It is absolutely crucial that departures from the code are recorded. Amendment (a) is sketched in such a way that it begins, in effect, to make the Border and Immigration Agency accountable to the Children's Commissioner, and to extend his original role. Let us remember that his original role is carefully defined in legislation: it is to ensure that children's views are taken into account. As the House will know, I am keen to avoid such a change, because an important part of the Bill is the creation of a much more powerful regulator, and I do not wish to blur roles and responsibilities in the regulatory system. I want to make sure that there is one regulator, who is unchallengeable.

However, I have asked officials to talk to the Children's Commissioner about how we can satisfy the ambition behind the amendment tabled by the hon. Member for Ashford, and I can now tell the House that where there are deviations from the code, the BIA will be required to record them. Those departures will be reviewed by a senior member of the BIA team, as and when they occur. We will also alert the BIA's chief inspector, and if it wishes to undertake an investigation on that point, it is empowered to do so. On top of that, there will be quarterly meetings between the BIA and the Children's Commissioner, at which all departures from the code will be discussed. I am told that officials working with the Children's Commissioner believe that that is a workable and sensible mechanism.

I hope that that puts some concerns to bed, but I can give the House an additional comfort: under section 2(9) of the Children Act 2004, the commissioner has the right to be supplied with any information relating to BIA functions that he may reasonably request to discharge his role. Our policy will be to disclose immediately, should the Children's Commissioner seek to lodge such a request. Those are important safeguards, which I am happy to read on to the record this afternoon. They underline the key point that the hon. Member for Ashford made: if the code is to be worth something, there must be transparency as regards its enforcement.

I must apologise to their lordships for the late arrival of the code; that was entirely my responsibility. The code was late because I was not satisfied with the original draft. To my mind, some of the wording of the original code was ambiguous. It was not hard-edged enough in terms of the obligations that it imposed on the BIA, so I ordered a rewrite over the final weekend, and that produced a delay in making the code available in another place.

I wish to resist amendment (b) to Lords amendment No. 19. I sympathise with the argument made by the hon. Member for Somerton and Frome (Mr. Heath), which is that we need to press on as fast as possible with the implementation of the code. The word of comfort that I can offer is straightforward: the code will be put out to a full public consultation, in line with Cabinet Office guidelines. I will work with the children's charities to help to get that right. I have met them already and I am happy to meet them again. That means a full three-month consultation period, which will take place before the code is put in place—in, I imagine, about six months' time. We will follow the Cabinet Office guideline-based process to get the code right and to put it in place, and I think that that will serve the ambitions of the hon. Member for Ashford. I urge the House to resist amendments (a) and (b), and I commend Lords amendment No. 19.

Damian Green: May I express my gratitude to the Minister for the steps forward that he has taken? He has made genuine and welcome concessions in response to our amendment (a), and I am glad to hear of them. Sadly, although we have inched towards each other, I do not think that we have yet met in the middle of the bridge. I am not convinced that a quarterly meeting with the Children's Commissioner is enough, as in some cases an immediate and urgent investigation will certainly be required. As I say, I welcome the Minister's concessions, but I do not think that they go far enough, and I still wish to press amendment (a).

On amendment (b), I take the point that the hon. Member for Somerton and Frome (Mr. Heath) made about the six-month delay, but as we have just heard the Minister say that it will take six months for the code to come into force, it seems to me that we are left with a distinction without a difference. However, I will press amendment (a) to a Division.

Question put, That the amendment to the Lords amendment be made:—

The House proceeded to a Division.

Madam Deputy Speaker (Sylvia Heal): I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 182, Noes 268.

Division No. 221] **[4.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Mr. Nick Hurd and
Mr. John Baron

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn

Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, rh Yvette
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Mr. Sadiq Khan and
Mr. Frank Roy

Question accordingly negatived.

Lords amendment agreed to.

SITTINGS OF THE HOUSE

Ordered,

That on Tuesday 30th October, the House shall meet at 11.30 a.m.—*[Mr. Alan Campbell.]*

Burma

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

5.16 pm

The Secretary of State for International Development (Mr. Douglas Alexander): Let me begin by explaining that the Foreign Secretary, with whom I spoke yesterday evening, would have been at the Dispatch Box this evening but for the joyful news that he and his wife Louise have adopted a second son, Jacob. Naturally, he is taking a short break from his ministerial duties, and I am confident that I speak for the whole House in sending the Miliband family our sincere best wishes at that wonderful news.

The House has long been united by a repugnance at the brutality of the Burmese regime and an admiration for the bravery of the Burmese people. This evening, I shall address three areas: I shall begin by outlining the situation on the ground in Burma in respect of the recent crackdown and the wider political and economic problems; I shall move on to how the United Kingdom is supporting international efforts to bring about change in the country; and I shall end by describing the actions that the Department for International Development is taking.

In mid-August, popular—and peaceful—protests began on the streets of Burma's cities in reaction to sharp increases in fuel prices. Monks joined ordinary citizens on the streets; the voice of the Burmese people was being heard. The response of the Burmese regime was shocking, if predictable. We do not know how many the regime killed, but the true toll is likely to be many times higher than the regime has so far admitted. Some, such as the Japanese photographer Kenji Nagai, were killed in full view of the world—many more, we fear, have died behind closed doors.

Many people who may have been only remotely connected with the protests have been rounded up. Our best estimate is that more than 2,000 demonstrators, including many monks, remain in detention—in addition to the 1,100 political prisoners already held by the regime. The reports that we are hearing of the conditions in which people are detained are horrific: monks stripped of their robes and beaten; prisoners left to die in their cells; and hundreds crammed into rooms without sanitation.

The events of the past months have been the focus of much attention in the House, the media and the country at large. However, the roots of Burma's social, political and economic failure lie deep. It is now 45 years since the military coup, almost 20 years since the 1988 student movement was crushed leaving thousands dead, and 17 years since the regime disregarded the overwhelming choice of the Burmese people.

Although recent protests were sparked off by popular reaction to a steep rise in fuel prices, they reflect a deep frustration with the persistent lack of democracy and economic opportunity. They were a desperate call for a better future for a country where isolationism and repression have condemned millions to poverty. The protests were not, as the Burmese authorities have suggested, the result of external interference. A third of Burma's population—some 17 million people—live on less than a third of a dollar a day. Public investment in health and education is among the lowest in the world. Yet Burma is a country with no shortage of natural or human resources. It should stand alongside its neighbours as a prosperous, vigorous and outward looking member of the global economy.

However, that vision cannot be realised without fundamental change; and change in Burma will not be easy. It will require courageous leadership that allows a wide range of Burmese voices to debate and forge a common future. Genuine reform includes: reconciliation between the Government and opposition groups, including the minority ethnic groups; accountable and responsible Government; respect for human rights; and effective economic management. At the heart of change must be a process of national reconciliation and dialogue. The regime's own road map cannot succeed. It does not involve the National League for Democracy or any other key political figures. It will convince neither the people of Burma nor the outside world. Real change requires the restoration of institutions: a free media, an independent judiciary, trade unions, local government and an accountable police force that protects rather than persecutes its own people. Better economic management is also vital to Burma's future, ending over-regulation, fighting corruption and encouraging investment and enterprise.

Mr. Jim Cunningham (Coventry, South) (Lab): Will my right hon. Friend touch on the role that China has played in this? According to some pundits, it can have a great influence on the outcome of the situation in Burma.

Mr. Alexander: I am grateful to my hon. Friend. We have been engaged in discussions with China, not least in relation to the recent presidential statement in the Security Council, which I will address in the course of my remarks.

Let me set out the United Kingdom Government's view on the way forward for Burma. Our diplomatic strategy is to apply pressure from all possible directions. With Britain's strong encouragement, the international community has made it clear that the Burmese regime must take meaningful steps towards reform and reconciliation. Recent weeks have seen an unprecedented statement by the UN Security Council, to which I just referred; the strengthening of European Union sanctions; and visits by the UN Secretary-General's special envoy, Professor Ibrahim Gambari, to Burma and the neighbouring countries. The United Nations is the primary focus of Britain's diplomatic efforts. On 2 October the EU, strongly backed by the UK, tabled a resolution at the UN Human Rights Council strongly deploring the situation in Burma and requesting that the UN special rapporteur on human rights in Burma, Sergio Pinheiro, be given immediate access to the country. That drew almost unprecedented support, including from countries hitherto reluctant to criticise the regime publicly, and was, I am pleased to say, agreed unanimously.

On 11 October, the UN Security Council sent an even more powerful signal, when it unanimously agreed a presidential statement strongly deploring the use of

[Mr. Douglas Alexander]

violence against peaceful demonstrations, calling for the release of all political prisoners and underlining the need for the Burmese Government to establish a genuine dialogue with all concerned parties and all ethnic groups.

Mr. David Marshall (Glasgow, East) (Lab): Does my right hon. Friend agree that in addition to what the UN has already done it would be helpful if the Secretary-General himself, rather than his envoy, went to Burma and argued with the regime? Will he suggest that to the Secretary-General?

Mr. Alexander: Obviously, we keep all options under consideration in terms of the means by which the international community, and the United Nations in particular, can most effectively make clear its views to the Burmese regime. We are anticipating a further visit from Professor Gambari, the Secretary-General's envoy. I think that the appropriate approach to take forward now is to offer every support to Professor Gambari and to reflect on the outcome of his second and, I would hope, longer visit to Burma than the first visit that he was able to make since the terrible events of recent weeks. At that point, we will have the opportunity to discuss these matters with our partners in the Security Council and, indeed, with the Secretary-General. When I attended the UN General Assembly in September, I had the opportunity, along with my right hon. Friend the Foreign Secretary, to discuss our very grave concerns about the situation in Burma directly with the Secretary-General, Ban Ki-moon. I can assure the House that he is fully seized of the importance of this matter and is keeping all options under review.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): Is not the hon. Member for Coventry, South (Mr. Cunningham) absolutely right in that it is a matter of great importance that the Secretary-General himself should go there? Is he not the right man to go there at this point in view of his provenance and his reputation?

Mr. Alexander: Obviously, I would not discount that possibility and I sought to reflect that in my response to my hon. Friend the Member for Coventry, South. However, we need to be careful in sending a clear signal to the Burmese regime. Given the tasking of Professor Gambari, it is important that we do not seek to undermine the Secretary-General's special envoy ahead of what will be a critical visit to the region and the country in the coming days. In a relatively short number of weeks, we will have the opportunity to take a clear view in light of the further advice we receive from Professor Gambari as to whether the direct involvement of the Secretary-General would be appropriate at this stage. I certainly would not discount it.

I share the instincts of the hon. Member for Sutton Coldfield (Mr. Mitchell) that we need to make it clear that there is a universal, strong international community view on the matter, but a little patience is called for in allowing the Secretary-General's special envoy to take forward his work.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that there is a great feeling of frustration among those of us who have waited so long for a change in Burma? Would he cast his mind back to those instances where regimes have changed when senior people visit, such as heads of state, not just UN representatives? Is there not a time when a head of state should visit a country, or attempt to, to show how important the matter is to the British people, not just the United Nations?

Mr. Alexander: In response to my hon. Friend, I would simply observe that it is no secret that there have been divisions in the UN Security Council in recent years as to the way forward. As recently as January, a motion was tabled at the Security Council that precipitated a veto from two members, and although I accept and share his concern and frustration at the glacial pace of change in Burma, which all of us want to see accelerated, I ask him to take heart in the fact that the Security Council has spoken with one voice. It is against that backdrop that Special Envoy Gambari will make his second visit to the country.

I assure my hon. Friend that, based on my conversations with the Secretary-General, never mind the ones that my right hon. Friend the Foreign Secretary has had with him in recent weeks, I know that he shares the broad sense of frustration felt in this House and in the international community. Careful, calibrated judgments have to be made regarding how best to ensure that international pressure yields the results we all want to see.

Andrew Selous (South-West Bedfordshire) (Con): Returning to the issue of China for a moment, does the Secretary of State agree that next year's Olympics in Beijing give the world community a precious opportunity to put pressure on the Chinese during the next few months? The role of China is fundamental, and the Burmese Government will listen to that country.

Mr. Alexander: Clearly, there are long-standing and historic ties, not least economic ones, between China and Burma. The hon. Gentleman is right to recognise that. I had the opportunity to visit China earlier this year in my previous ministerial capacity as Secretary of State for Transport and there is a genuine desire on the part of the Government in Beijing for China to be seen as a responsible international citizen or player ahead of what they see as the welcoming of the world to the Beijing Olympics. Therefore, every opportunity should be taken to engage in serious and sustained conversation with the Beijing Government about the best way in which we can act together, with a single voice, on the issue of Burma.

I pay tribute to the fact that in recent weeks the Chinese Government have taken a different tack, in the presidential statement secured at the Security Council, from the one they adopted as recently as January, when both China and Russia exercised a veto in relation to previous moves by the Security Council.

Mike Gapes (Ilford, South) (Lab/Co-op): The Association of South East Asian Nations countries have an important role in relation to Burma. They have standards and aspirations relating to pluralism and democracy that are clearly not being fulfilled by the regime. What does he think that other countries in the region, as well as China, can do to assist in this process?

Mr. Alexander: My hon. Friend brings to bear considerable experience from chairing the Select Committee on Foreign Affairs to his observation. He will know that a decisive commentary has been offered by the ASEAN group this time, which has simply not been the case in the past when terrible events have taken place in Burma. Too often in the past, neighbouring countries—indeed, Asia itself—appeared to step back or walk on the other side when terrible events have taken place.

I welcome the robust statement issued by ASEAN, reflecting its repugnance at the actions taken against the monks in Rangoon and throughout Burma. It is a welcome development and reflects, exactly as my hon. Friend's question suggests, an awareness on the part of ASEAN that if it wants to develop beyond being an economic community and stand for certain norms in the region, it should recognise that the present conduct of the regime in Burma stands far apart from expected reasonable standards of international conduct.

There are glimmers of hope—whether in the action taken in the United Nations Security Council through the presidential statement or in the different tone that ASEAN has adopted about recent events in Burma—that the international community is making clear its view about the darkness and horror of the events that we witnessed. That simply was not the case in previous years.

The presidential statement was the first formal action on Burma that the Security Council has taken. Those signing up to it included, of course, China, a permanent member of the Security Council, as we have had the opportunity to discuss, and, as has also been said, Burma's most powerful neighbour. The political situation has therefore shifted significantly from the position of only a few weeks ago. That reflects a genuine and shared concern across the international community, uniting countries that have traditionally engaged with Burma with those that have previously sought to apply pressure through sanctions.

We look forward to the first meeting of the "core group" on Burma, proposed by Ibrahim Gambari and, if asked to join, we will be glad to do so on behalf of the United Kingdom. At the same time, the UK has been working with our EU partners to ascertain the direct leverage that we can bring to bear on the Burmese regime. On 15 October, Europe agreed stronger restrictive measures, targeting the business interests from which the regime draws much of its revenue—timber, precious metals and gems.

On the same day, our Prime Minister announced that we will review with our partners the implementation of the EU arms embargo to address any risk that arms or their components might be diverted or re-exported to Burma. We have been careful to avoid measures that will hurt the ordinary Burmese people. Sanctions are therefore targeted at the regime.

Those with the most direct influence on the Burmese authorities are Burma's neighbours, ASEAN countries, China and India. It is becoming ever clearer that regional stability and prosperity is best served by a managed process of political reform in Burma. So the Prime Minister, the Foreign Secretary and other Foreign Office Ministers have been in regular contact with their counterparts in the region, encouraging them to make their voices heard and get behind the United Nations process.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): What differences does the Secretary of State perceive between the Chinese and the Indians in their stance on Burma? Is there a difference between the two countries' current thinking on the matter?

Mr. Alexander: Obviously there is a difference in their place in the United Nations system, given that China is a permanent member of the Security Council. There has been a significant shift in the position that China took as recently as earlier this year, when it exercised its veto in the Security Council. We continue to discuss the matter with India. I am not sure whether it greatly assists the cause of securing a broad international consensus to offer a comparative view of two of the principal regional players, on which we rely to offer the sort of concerted and co-ordinated international response that will be most effective in trying to bring pressure to bear on the Burmese regime. The relationship between China and Burma is key and we will be watching to ascertain whether China follows up the positive steps that I have described.

If genuine progress on reform takes place in Burma, the international community should be ready to support it. On 15 October, my right hon. Friend the Prime Minister wrote to the leaders of G7 countries, India, China and Portugal—as president of the European Union—Singapore, as the current chair of ASEAN, Ban Ki-moon and the heads of the World Bank and of the IMF, proposing an economic initiative in support of a recovery plan for Burma, conditional on progress with reconciliation and moving forward with the process of political change in Burma.

On 20 October, at the Prime Minister's request, I held a meeting in Washington with representatives from that group. We emphasised the shared need for concrete and verifiable steps along the path to reconciliation and reform in Burma. We initiated a discussion of the possible size and shape of international support should those steps be taken. Although the international community is rightly considering Burma's future, we must also continue to provide humanitarian support to the roughly 50 million people who suffer genuine poverty under the current regime.

Mr. David Burrowes (Enfield, Southgate) (Con): Will the Secretary of State acknowledge the concern of the many people who are keeping a vigil tonight for Burma? Will he acknowledge especially the plight of the internally displaced people who are the long-standing victims of the military junta, for example, the Chin people on the Thai border? Will he follow the Select Committee's recommendations and the Canadian Government's lead in giving genuine and positive help in the form of aid to the border people?

Mr. Alexander: The hon. Gentleman's intervention anticipates some remarks that I hope will find favour with him as I move towards the conclusion of my speech.

[Mr. Douglas Alexander]

Let me set these matters in context. The Department for International Development's assistance to Burma has increased from £2 million a year in 2002 to £9 million this financial year, including the additional £1 million that I announced earlier this month to meet urgent new needs and to help to ensure that vulnerable people do not suffer as a result of the recent grave brutality.

I can assure the House that none of this funding is spent through the Burmese central Government. All our aid in Burma is delivered through the United Nations or through non-governmental organisations. It supports basic services that make a real difference to the lives of vulnerable people. For example, more than half of Burmese children fail to complete primary school. To help keep more children in school, the Department for International Development is supporting UNICEF's efforts to provide materials and text books to half a million children, mostly in remote areas. We are also working with Save the Children to help local communities to organise pre-schools. Life expectancy in Burma is 10 years lower than in neighbouring Thailand. The Department is also supporting efforts to fight the three main killer diseases—malaria, tuberculosis and HIV/AIDS—with the aim of saving 1 million lives a year.

Continuing conflict in eastern Burma has had a terrible impact on the civilian population. They have been subjected to human rights abuses and forced labour, and many have fled their homes. Today, at least 500,000 people are displaced in Burma, including 90,000 still living in areas racked by conflict, and 160,000 living as refugees in Thailand. The Department is providing £1.8 million over three years for food and shelter for Burmese refugees in Thailand and for emergency cross-border assistance to displaced people in Burma. We are also providing £400,000 this year to support health, education and livelihoods among communities in Burma.

DFID is also supporting Burmese organisations to build the foundations for a better society. For obvious reasons, a lot of the work that those organisations do is not overtly political, but it is important to support their efforts where we can. We are, for example, providing £500,000 over three years to improve the ability of civil society organisations to organise themselves, and setting up a new fund of £3 million to help Burmese organisations to promote people's participation in local level decision making—for example, in forest management, agriculture, education and health services.

Many hon. Members will recall that the International Development Committee reported on Burma as recently as July. The Government's response to that report was published last week, and shows clearly our agreement with most of its recommendations. I should like to share four of the key recommendations with the House: the need to increase funding for cross-border assistance; the need to improve communication and co-ordination between aid agencies and local community organisations working in Burma; the proposal to maintain a Department for International Development presence in Thailand; and the recommendation to increase the size of the Department's programme. Let me take each recommendation in turn.

I fully agree with the Select Committee's view that the humanitarian assistance provided from across the border in Thailand should complement, not compete with, the assistance provided from inside Burma. We remain deeply concerned at the condition of vulnerable people living on all Burma's borders. I certainly pay tribute to those who are holding vigils in that cause this evening. Earlier this year, DFID agreed to allow its funding to be used for the cross-border delivery of emergency assistance to displaced people inside Burma, as well as to Burmese refugees in Thailand. We have given £1.8 million over the past three years to the Thai-Burma border consortium, and we will consider carefully the needs that it identifies for the next phase of our support, from early 2008.

The United Nations Office for the Co-ordination of Humanitarian Affairs is undertaking an assessment of the needs of displaced people in eastern Burma. DFID will use those findings to inform our future funding decisions in relation to those people. The Department will consider project proposals from groups inside or outside Burma. They must be clearly aimed at poverty reduction, and will be assessed according to normal transparency and accountability criteria.

The Select Committee made a number of recommendations on improving communication and co-ordination among the providers of humanitarian assistance in Burma, including between those working inside the country and those working from across the borders. The Department and the United Nations are both supporting contacts between organisations working with displaced people inside Burma and the agencies providing cross-border support.

We recognise the need to strengthen our staffing to deal with Burma. The Department is substantially increasing the number of staff based in Burma and has also strengthened its London-based team working on Burma. We have carefully examined the Committee's recommendation that we should maintain staff in Thailand to monitor our assistance to the border areas. Indeed, I have discussed that subject in recent hours with our head of office in Rangoon. However, our considered assessment is that this work can be carried out effectively from Rangoon and London. Increasing the number of staff in Rangoon allows greater capacity to do this, as well as to manage our programme in Burma itself. I have personally impressed upon our staff in Rangoon the importance that I attach to close monitoring of the situation on the Thai border. London-based officials also plan to visit Burma and the Thai border region regularly.

The International Development Committee recommended that we quadruple our Burma programme by 2013. Clearly, as has been reflected in this evening's debate, the situation in Burma remains fluid, so it seems appropriate at this stage to address funding during the spending review period to 2010-11. That is why I can inform the House today that we will double our aid to the Burmese people over the period of the spending review—from £9 million today to £18 million a year by 2010-11. That does not prejudge any decisions made in relation to the next spending review period.

Ms Sally Keeble (Northampton, North) (Lab): Having previously visited the camps on the border, may I ask the Secretary of State whether the embassy in

Thailand will continue to carry out the solidarity work with those camps? Leaving the refugees on the border without that support, quite apart from the humanitarian and practical implications, would be a terrible political blow to them. They might well see it as the withdrawal of support from the UK Government.

Mr. Alexander: I think that we all need to exercise caution in the language we use about these issues. None of us would seek to give encouragement to the Burmese regime by characterising any of these organisations as somehow having the interests of anyone other than the Burmese people at heart. I can assure my hon. Friend—I took the opportunity to speak to our ambassador in Rangoon today, though not to our ambassador in Bangkok—that the Foreign Office is seized of the importance of this work. Nothing that I have announced from the Dispatch Box today—effectively the doubling of our assistance from £9 million to £18 million—prejudices the ongoing work that is being taken forward in the camps. I hope that when we see the UN Office for the Co-ordination of Humanitarian Affairs review and when the other work I mentioned is carried out, we will be able to make judgments on the basis of the best evidence as to what further support should be provided to those who are often suffering in very poor conditions in camps on the border.

The doubling of funding that I have announced by 2010-11 will enable us to help more children go to school, to treat more people suffering from malaria, tuberculosis and HIV, to invest in community development and rural livelihoods and further to address the humanitarian needs of those living in border regions. More humanitarian assistance will help alleviate immediate hardship, but I hope fervently that we will soon see the wider reforms needed to unlock the true potential of the Burmese people and the full support of the international community. As the Prime Minister has said, we will not turn our backs on the people of Burma. In that, I am confident that he has the backing not only of this House, but of the British people.

5.43 pm

Mr. William Hague (Richmond, Yorks) (Con): It is welcome that the House is turning its attention today to the plight of the people in Burma—a bitter injustice which has inflamed the strong feelings of hundreds of millions of people across the world and which blights the lives of millions of Burmese people. We had hoped that the Foreign Secretary would open the debate, but we entirely understand why he cannot and why he asked the International Development Secretary to take his place. We heartily wish him well with his expanded family.

It is appropriate to debate this subject now, as five days ago marked 12 years to the day that Aung San Suu Kyi was placed under house arrest. Her courage and self-sacrifice never cease to inspire our deepest admiration and respect. There is perhaps no greater testament to the power of her example than the lengths to which a vicious military regime has gone to keep one woman isolated from the world and from her own people.

As we know, the Burmese have lived under military rule for 45 years. The images and information about their suffering that have reached the outside world throughout that time are truly appalling—images of poverty, stories of human rights abuses, extra-judicial killings, torture and disappearances, rape, the destruction of villages, the use of forced labour and children pressed into military service. Presumably, the facts that have reached us are the tip of the iceberg, as the regime has gone to great lengths to shield its actions from the spotlight of the world's attention. The fact that we know as much as we do is testament to the bravery of those Burmese who have spoken out against the regime, to the dedication of aid workers on the ground, and to the courage of Burmese pro-democracy activists, such as Zoya Phan, who has twice made inspirational addresses to the Conservative party conference. From her words, and those of others like her, we can say, I think without exaggeration, that the Burmese regime is one of the worst in the world.

On the Conservative Benches, in common with colleagues in other parts of the House, we have long regarded the situation in Burma as a human rights priority. My hon. Friend the shadow Secretary of State for International Development, who will wind up the debate for us, visited the country this year and was the first senior British politician in many years to meet members of the regime. When we created the Conservative party human rights commission in 2005, its first action was to hold a hearing on Burma.

The situation in Burma could be so different. If the party that had won an overwhelming victory in the 1990 general election in Burma had been allowed to take office, we might be extolling the Burmese success story and looking for ways to deepen trade and links between our countries. Elsewhere in Asia, countries once dominated by military regimes have successfully evolved and are richer today. More than 100 million people across east Asia have left the ranks of the extreme poor since 2000. However, Burma is light years from that progress. It used to be known as the rice bowl of Asia. It was one of the richest nations on the continent when it gained independence. Today, the Burmese regime invests less in education and health care than almost any other Government in the world and its people face some of the worst poverty in the region.

In those dreadful conditions—the House must recognise this—the people of Burma have shown incredible resilience and courage. In a country where criticism of the regime is punishable by imprisonment, September's dramatic protests reminded us that the people of Burma want their freedom and that they deserve our full support as they seek to attain and exercise the rights that we freely enjoy.

Mr. Nigel Evans (Ribble Valley) (Con): Does my right hon. Friend agree that what typifies this hideous regime is the imprisonment of a good friend of many of us in the House, James Mawdsley, for the crime of distributing Bibles when he visited Burma? Trying to repress the distribution of Bibles and lock away people involved in such an act shows how hideous it is.

Mr. Hague: Absolutely; my hon. Friend makes a powerful point. I remember hearing James Mawdsley describe his experiences. It brings home the tyrannical nature of the regime and its determination to suppress the freedom of thought and religion that he was trying to encourage.

[Mr. Hague]

Thousands of people took to the streets to voice their discontent last month in the full knowledge that the last time similar protests took place—in 1998—the Government response killed 3,000 people. This time, too, the junta met peaceful protesters with violence. They levelled their weapons against monks. As we watched the ruthlessness with which the protests were crushed, we witnessed not only the junta's repression but in some measure the outcome of 17 years of inactivity by the international community. Seventeen years have been lost. During that time the Security Council has not passed a single resolution condemning the situation in Burma or applying pressure on its leaders.

I want to raise three sets of issues: first, our immediate diplomatic response to the recent crises; secondly, what has been done to build an effective diplomatic coalition since then; and thirdly, the Government's strategy going forward, on which the Secretary of State said some words. On the immediate response, our first concern must be the safety of those detained during the protests and those who have been rounded up since. We hope that it has been possible to establish a better picture of what happened last month. The regime claims to have released all but 500 of the Buddhist monks and other demonstrators it detained, although the Secretary of State just put the figure at 2,000, which is a far more believable assessment. The International Committee of the Red Cross says that it is deeply worried about those who are believed still to be in custody, particularly as it has been banned from visiting prisons to check up on those still under arrest. That is in itself a gross failure to meet the basic principles of international humanitarian law. We hope that the Government pressed the Burmese regime on that issue throughout the crisis and that it continues to do so now in the most vigorous way.

There are also disturbing reports of detainees being dispersed around the country to centres that the regime chillingly and bizarrely calls "new life camps" but which are in reality gulags where detainees are used as forced labour. That clearly makes the task of tracking the condition and whereabouts of those in detention vastly more difficult, but no less vital. There were reports during the crisis that UN computers had been seized by the military with the apparent intention of obtaining information on opposition figures. Will the Minister confirm whether the Government think that that did take place and if they have been able to establish to what extent such information was available on the computers and could have been of use to the regime?

There have been first-hand accounts of regime officials scouring villages looking for people whose faces were caught on camera during the protests. I trust that all possible efforts will be made to monitor these activities to try to keep track of the numbers arrested and to use every opportunity to protest about such detentions. Another area of concern must be the fate of those involved in the leadership and organisation of the protests. I hope that the Minister can say whether it has proved possible to establish any contact with the Alliance of All Burmese Buddhist Monks, which emerged during the crisis as the group leading the protest. Although we are aware that any such contact could be dangerous to the safety of those involved by making them known to the authorities, identifying individuals has made it possible elsewhere to hold Governments to account and to make it harder for them to subject such people to violence or politically motivated imprisonment.

On the surface, Rangoon, in the official assessment, is calm. The regime speaks of a return to normalcy and stability. However, the situation is anything but normal. Reports suggest that the regime continues to raid monasteries, arrest activists and subject those detained to inhumane conditions. The death of National League for Democracy member, Win Shwe, who was arrested and tortured by the authorities, is only the most visible manifestation of the cruelty; many others appear to have shared his fate.

It is vital—this is why it is so good that we are debating the issue tonight—that the Burmese regime is not allowed to believe that it has weathered the storm and that the international outcry about its actions has somehow died down. Now is the time for us to step up our diplomatic efforts. We welcome—I am sure that we all do—the prompt visit to Burma by the UN special envoy Ibrahim Gambari, but it is far from clear that he was able to receive any specific commitments from the Burmese leadership to engage in real talks with the opposition and to release political prisoners. The apparent concession made by the regime to allow him to meet Aung San Suu Kyi seems to have been little more than a ruse to gain some positive publicity. Attacks on villages and military atrocities in northern Karen state, where 80,000 people have been displaced in this year alone, continued unabated during the UN special envoy's visit. Professor Gambari was prevented from meeting any other detainees, other members of the National League for Democracy or representatives of the Buddhist clergy. The junta's talks with the opposition leader should be seen in this light. Seventy detainees appear to have been released last week, but there is no sign that the regime is prepared to release her, or most of the 1,300 political prisoners in Burma.

Turning now to the building of an effective diplomatic coalition, we hope that Professor Gambari, on behalf of the UN, will return to Burma soon and that when he does so he will have the full backing of the Security Council to extract commitments from the regime and to hold it to them. We agree with the hon. Member for Glasgow, East (Mr. Marshall) that the time has come for the UN Secretary-General to go himself, which my hon. Friend the shadow International Development Secretary has called for and has put to the Government. The Secretary of State said that the Government would look for a further report, but we have no doubt that, whatever the recommendations to come from Professor Gambari, the UN sending the Secretary-General himself to visit Burma and meet the main players there would accord a degree of profile and pressure that would place the military leaders in a more difficult situation. We echo that call.

Equally important are the visits by the UN envoy and others to key regional capitals. The active support of Burma's neighbours would transform the current international censure into real, effective pressure—a point made by several Members. We welcome the fact that the 10 nations of ASEAN formally condemned the violence and expressed their "revulsion" at the methods used to suppress the protests. We also welcome Thailand's proposal to convene a four-party meeting of ASEAN, the UN, India and China to formulate a response.

However, ASEAN as a whole has displayed unwillingness to take action against Burma. The Foreign Minister of Singapore, who currently holds the chair of ASEAN, described its policy in a recent interview as a group decision to

"bite our tongue to keep Burma in the family because it serves our long term strategic interest."

That is a great disappointment. Over 70 per cent. of Burmese exports go to members of ASEAN, giving those countries great leverage over the Burmese leadership if they chose to exert it. A $150 million gas exploration deal with the regime was agreed even as the protests were taking place and Chinese trade and investment provides the regime with its main economic lifeline. Regrettably, the priority of Burma's neighbours appears to be not to resolve the crisis, but to defuse it as far as their own interests are concerned so that they can return to business as usual.

Mr. Mark Hendrick (Preston) (Lab/Co-op): The right hon. Gentleman talks about neighbouring countries investing in Burma, but many European companies invest in Burma, including Total, which also invests in Preston. I am very glad about that, but obviously its activities in Burma concern me. What is his view on the issue of investment from European sources?

Mr. Hague: Investing in Preston is a rather different matter, I am delighted to say. I will come in a moment to European policy and what our Government should be doing on that score. I will complete my point about Burma's neighbours and I assure the hon. Gentleman that I will come to his point in a moment.

In order to be effective, international pressure on Burma needs to be supported across the international community. That means that Burma's neighbours and key trading partners must act. The regime in Burma will not feel under pressure until they do so. We support the Prime Minister's announcement that Britain will send Ministers to the region to talk to the ASEAN Governments, as well as to China, India, and Japan. I hope that the Minister will be able to specify in greater detail what Britain is setting out to achieve in this respect. Our case for raising Burma at the Security Council would be considerably strengthened if any of Burma's neighbours were to lend their support, for although those countries have joined us in condemning the situation, they do not share the same view of how to encourage change in Burma.

In light of that, we must all welcome the fact that the Security Council was able to agree a joint statement on Burma. It was the first time that the Security Council had taken any kind of public position on Burma and it is action that is long overdue. We fully supported the Government's efforts, along with the US, to bring Burma before the Security Council earlier this year. I hope that the Government will continue their efforts to raise the issue at the Security Council and to generate Russian and Chinese support for measures relating to Burma.

Looking to the strategy going forward, the Prime Minister has said that the Security Council will

"meet again to review the results"

of its recent presidential statement and that the UK will seek UN sanctions if no substantive progress has been made. That commitment must not be allowed to slide and is very much one that the Opposition support. We appreciate the difficulties in getting the support of other Security Council members, but without consistent pressure there is little hope of influencing the Burmese leadership. The obvious concern is the definition of the "progress" called for by the Security Council statement. I hope Ministers will agree that that must be real progress, starting with meetings without preconditions with opposition figures and the release of political prisoners. Token action should not be enough to stave off the pressure for action at the Security Council.

If it could be achieved, a binding UN sanctions resolution would require countries such as China, Russia and India to moderate their support for the Burmese regime, and in our view it should include an embargo on arms sales to Burma. That would worry the military regime more than almost anything else. There is also a strong case for imposing limits on companies making finance available to named Burmese state-owned companies, their joint ventures and subsidiaries, which serve only to prop up this unpleasant regime.

It is right that while debate about Security Council action is going on, the EU should act, as the US has done, to increase targeted sanctions on the regime. We welcome the EU decision of 15 October to increase EU sanctions on Burma. The steps taken to ban the sale of equipment to, and investment in, the mining, logging and precious jewels sectors are sensible. However, we had hoped for more.

I ask the Minister to provide clarification on a few points in her winding-up speech. The EU statement of 15 October requested

"relevant bodies to elaborate further restrictive measures, including a ban on new investments".

Will she confirm, therefore, that the EU is considering a full ban on new investments in Burma? That goes to the heart of the question raised by the hon. Member for Preston (Mr. Hendrick).

Secondly, on aid, the EU statement said merely that the EU

"stands ready to increase this assistance, subject to further assessments of the humanitarian situation."

Given that the humanitarian situation is dire, that appears to be a complacent European response. According to the Department for International Development, Burma receives one of the lowest levels of international assistance—£1 per person in 2002, 10 times less than EU aid to Zimbabwe. That is insufficient. The Secretary of State made announcements on that matter this evening, on which I wish to make a point shortly.

Another question I want the Minister to address when she speaks at the end of the debate is whether efforts have been made to identify the Burmese leaders and officials most responsible for the violence against the protestors, and whether the Government will seek further EU restrictions against them personally. The widening of EU sanctions is an important first step

[Mr. Hague]

but, as has been pointed out to us by Burmese activists, unless the EU resolves to enforce the measures consistently, they will have little effect.

Turning closer to home, the Secretary of State for International Development recently set out proposals to develop an economic initiative to support recovery in Burma, if and when there is verifiable progress towards reconciliation and democracy. It is right for incentives for change to be set out alongside the penalties that the regime will face if it continues on its course. However, there was concern about the way that the proposals were launched, which was reflected in some newspapers. There were suggestions that the announcement in Washington was not launched in consultation with the United States; the Minister might wish to clear that up. The US and the UK have stood shoulder to shoulder on Burma, and co-ordinating our strategy will increase our effectiveness and ensure that the Burmese regime is presented with a united front.

The International Development Committee recently described British aid to Burmese refugees as "unacceptably low". Although the Government's announcement that DFID will provide £8 million in aid to Burma this year and the Secretary of State's announcement of an increase in future years are welcome, that still falls far short of what is needed. Although the Secretary of State announced an increase in aid in coming years, it is not in line with the IDC recommendation that aid should be quadrupled by 2013. That is the option that we much prefer, and we will wish to say more on it in winding up the debate.

The World Food Programme reported this month that at least one in 10 Burmese are going to bed hungry and about 5 million people do not have enough food. The WFP itself can reach only an estimated 500,000 of those people, which is far fewer than is needed. I hope that over the coming months the Government will set out steps that they will take to support those working to provide much needed emergency aid to the hundreds of thousands of displaced people in Burma, and that they will revise upwards the Secretary of State's commitments of tonight, as well as support those working to document human rights abuses and promote democracy in Burma.

There have been pleas by Burmese activists—already repeated in this debate—for the UK to provide more humanitarian aid to those hiding in the jungle and frontier areas. They argue that that aid could be sent across borders from neighbouring countries without being susceptible to interference by the Burmese regime. The Secretary of State said that he would seriously consider such requests. That consideration should be urgent; consideration at length would not be good enough. We must ensure that Britain is doing everything reasonable within its power to ameliorate the plight of these people. I hope that in her summation the Minister will give the Government's assessment of the UK's ability to deliver such aid. Can that be done without obstruction from the regime, and can it now be increased?

It is our duty as fellow human beings to continue to stand with the people of Burma. Our actions should embolden and empower the Burmese people, not contribute to their further impoverishment and isolation. Only a genuine process of internal reform and reconciliation with the full involvement of the Burmese opposition will deliver stability, democracy and prosperity to the country. That requires a great deal of pressure from the international community. It must seize the initiative now—when the regime might be most sensitive to international criticism and keen to deflect the consequences—in order to bring about the change that the people of Burma so desperately need. We must say that enough is enough, and work to ensure that the world never witnesses a repeat of last month's scenes on the streets of Rangoon. The people who demonstrated so bravely must have done so because they have some hope that their circumstances can change for the better, and those languishing in Burmese jails will keep going only if they have hope for the future. We in this House must help to make sure that they do not hope in vain.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Last Thursday, the House decided to accept the Modernisation Committee report recommendation that the Speaker should have the power to vary a previously set time limit. That power takes effect in the next Session, which is unfortunate as it would have been handy to have been able to use it tonight, because a miscalculation has clearly taken place as a result of the other business having ended somewhat earlier than predicted. I am afraid that the 12-minute limit must stand, and it applies to Back-Bench speeches.

6.7 pm

Ann Clwyd (Cynon Valley) (Lab): I was flying over Burma at about 1 am this morning, and I wondered what was happening below in that country. Like many, I have not had the opportunity to visit it, but I have been to the border camps and I have for the past three years been the chair of the human rights committee of the Inter-Parliamentary Union, which deals with the human rights of parliamentarians in trouble. We have over a five-year period heard from the Burmese in opposition, some of whom were elected in 1990. They have told us about the plight of their colleagues in Burma, and the stories are tragic. Members should be particularly concerned about the plight of our fellow parliamentarians who, unlike us, are not able to stand on any platform and speak out, or to practise their mandates.

At the last count, 12 Burmese politicians elected in 1990 were in jail. To our knowledge, three of them are seriously ill. We have asked at the past three IPU annual conferences for those MPs to be released. We have also asked that all those elected in 1990 and all political prisoners be released. I am afraid that the generals do not listen to very much. They have had many opportunities to listen to special envoys in the past. I hope that this special envoy will be successful, but the past record of the regime is not good at persuading us that it might listen now. If the generals want to show that they are at least listening to some arguments, they should release the elected politicians who languish in jail, particularly the three who are seriously ill.

Not only are those people in jail, but others have died in custody—six of those elected in 1990 have done so. We know that since the October crackdown, another 13 parliamentarians have been arrested and are now in jail. In total, 26 elected members of the Burmese Parliament are in jail in that country. As a gesture, the generals should at least show that they are listening to the arguments of fellow politicians all over the world.

At the IPU conference that took place in Geneva a few weeks ago, at which several hon. Members were present, the British delegation asked for talks with the Chinese and Indian delegations and we withdrew our own emergency resolution in order to support the tough ASEAN resolution. It is worth everybody looking at that resolution, which is available on the IPU's website. It was adopted unanimously by the 117th assembly in Geneva on 10 October, which included members of Parliament from 143 countries, the Chinese and Indian delegations and all the ASEAN countries. It is significant that, again, all the ASEAN countries supported the resolution.

This has been a good debate and people from all parties have said things with which we all agree. When I was flying over Burma this morning, I thought about the people below and about the reports by our ambassador. I would like my right hon. Friend the Secretary of State for International Development to congratulate our ambassador in Burma, because his reporting in the first few days of the crackdown was significant. It was brave of him to speak out in the way that he did, and I hope that he is able to continue to do so.

Mr. Douglas Alexander: I am grateful to my right hon. Friend, and I can give her the assurance that she seeks. I had the opportunity to speak to our ambassador this morning. Not only did I congratulate him on his efforts in recent weeks, and those of his staff, but I assured him of the good wishes of all Members of the House for the conduct that British diplomats have shown in what has been an extremely trying time for themselves and their families, as well as for the people of Burma.

Ann Clwyd: I thank my right hon. Friend. I am grateful for that because I read with horror the account given by diplomats. They say that the regime probably still holds between 2,000 and 2,500 protesters. As he said, many are being detained in so-called "new life camps", which are re-education centres a long way from the capital Rangoon. People are jam-packed in rooms where the walls are covered in excrement, they are not given any food, they are being continually interrogated, subject to brutal torture, routinely beaten and soaked in ice-cold water. The Human Rights Watch report is similar:

> "We should have no illusions about what is going on in Burma. Soldiers are hunting down leaders of the protest movement and torturing them. Revered Buddhist monasteries are being occupied; the monks are being defrocked, beaten and sometimes killed. Government newspapers demand unity against 'neo-colonialist stooges'…People are afraid."

The courts continue to try protesters in secret and hand out heavy sentences, crematoriums have been working overtime to cope with the number of dead and there have even been allegations that some injured protesters have been buried alive. We can all imagine the scene, and it has been described vividly here today. I urgently call for one thing to happen right now on behalf of the detainees who are at immediate risk. We should get the International Committee of the Red Cross back in so that it can visit the detainees to ensure that they are at least being fed.

As I said, the IPU will continue its efforts. We have attempted to visit Burma, to no avail, but we need to keep putting pressure on neighbouring countries to initiate a regional political process in a meaningful way. We should get them to get the generals to the negotiating table. The ASEAN member states of China, India and Russia must give their full backing to the UN Secretary-General's special envoy to Burma and assist him in getting this initiative off the ground.

Daniel Kawczynski: The right hon. Lady tells the House that her group, the IPU, has tried to visit Burma, but that it has been declined entry. Does she know of any IPU country that has managed to send a delegation to Burma? Are only we being targeted?

Ann Clwyd: No, I am afraid that I know of no IPU country that has managed to get a delegation into Burma, although people obviously continue to try. Our committee is involved with the human rights of members of Parliament all over the world, and the IPU covers about 143 countries. Unfortunately, the human rights abuses that elected members suffer are getting more rather than less frequent. The IPU continues to attempt to get delegations in.

As has been mentioned, ASEAN needs to expel Burma if there is no sign of reform. ASEAN Heads of Government will gather in Singapore for a summit towards the end of November, and that will be a good time to discuss that and other measures. I know that there is not time to say much else, Mr. Deputy Speaker, but the last thing that we need is for the international community to rail against the generals and make a lot of noise but to forget again in a few months' time and allow Burma to descend into anarchy, and for the suffering of the Burmese to drag on and on and on.

Mr. Deputy Speaker: Order. I feel that I must apologise to the right hon. Lady if she was misled by the clock. We have had a slight technical difficulty with it.

6.17 pm

Mark Hunter (Cheadle) (LD): May I open my remarks by expressing our support for and solidarity with the pro-democracy demonstrators and supporters of Aung San Suu Kyi in particular? We would all agree that they have dealt bravely with the impossible situation in Burma and deserve all the assistance that the international community can give. I add my voice to those condemning the indiscriminate violent attacks on the demonstrators and others in Burma over the last months, and the awful human rights violations that have occurred.

It is important to say on this occasion that those violations are continuing. There are widespread reports of the ill treatment and torture of detainees, of secret detention, and of sentencing in closed and unfair trials. The situation in Burma is still desperate. We do not

[Mark Hunter]

know how many people are being detained, or under what conditions, or where or, in many cases, why that is happening. Amnesty International has reported that arrests continue in far greater numbers than the official figures given by the Burmese state media. Despite the regime's supposed co-operation with the UN, information about these detainees has still to be published. Surely the first step by the junta in resolving the conflict should be to publish information about those detainees, to allow immediate and independent access to them and then to release them.

The situation for the whole country is bleak, as other right hon. and hon. Members have said. There are hundreds of thousands of internally displaced people, as a result of forced displacement, the fear of violence and political, ethnic and religious persecution. With the current social and economic conditions further exacerbated by the violence of the past few months, is it any wonder that more than a quarter of Burma's population now lives below the UN-agreed poverty line of $1 a day and that one in 10 children die before they reach their fifth birthday?

The internally displaced people and refugees, as well as ordinary citizens, face widespread poverty and a lack of health care and education, and all depend on action from the international community. We must ensure that they are not disappointed. The Select Committee on International Development's recent report on British aid to Burma said that the £8.8 million currently allocated was an "unacceptable" level of assistance and recommended that the budget should be quadrupled by 2013.

In the light of the events of the past month and their repercussions on the number of internally displaced people and refugees, I welcome the Secretary of State's announcement tonight that he has reconsidered the Department's aid budget to Burma; but, as had been said, even doubling it still leaves many hon. Members with considerable concern that that will prove to be insufficient for the purpose. Perhaps when the Minister responds to the debate, she could also explain to the House DFID's new spending priorities for Burma, given that timely budget increase.

Of course, the United Nations should continue to play the leading role in resolving the issues in Burma. We certainly hope that the UN will continue to push for regular visits by the special rapporteur on human rights and Special Envoy Gambari, because it is only by continued investigation that we will establish precisely what happened during the riots and what the current situation really is. Burma must give the UN free, full and unfettered access to all areas and peoples, and those visits should be reported on and followed up by formal UN Security Council discussions to establish what, if any, progress is being made. Where no progress is made, the Security Council must act decisively and move to adopt binding sanctions, including an international arms embargo and a demand for the release of all political prisoners.

China, in particular, has an absolutely key role to play. Although we recognise the significant movement that the Chinese have made already by supporting the formal UN Security Council statement, they also need to stand ready and willing to support the adoption of a binding Security Council resolution if one should be necessary.

Thailand, India and the other ASEAN nations, as close neighbours and significant trading partners of Burma, also have a key role to play in resolving this issue, and they must support international mediation and reconciliation efforts. Perhaps when the Minister responds, she might inform the House whether discussions have taken place with those Governments about their trading practices with the current Burmese regime and whether they support US and EU sanctions and, if so, how they might help to bring pressure to bear on the regime.

We welcome the extension of the EU trade and investment bans to include timber, gems and precious metals. By targeting those sectors of the Burmese economy, the EU's sanctions will be better able to strengthen their impact on the regime; but to be effective, those measures must be implemented quickly and the sanctions must be watertight. They must, for example, include goods that are processed through third countries, as most of the gems and diamonds that come into the EU from Burma do at present.

We also welcome the agreement that a general EU investment ban will follow if the Burmese Government do not comply with the demands of the international community. However, if the international community is to keep up the pressure on the junta and the momentum on this issue, there must be a clear timeline for when such an investment ban might be implemented. Perhaps in her winding-up speech the Minister might clarify how long the Burmese Government would be given to comply with international demands before the general EU investment ban would be implemented. Will she say whether the Government have considered supporting the introduction of that ban at the next General Affairs and External Relations Council meeting if no progress has been made?

Further sanctions should also be planned to continue to increase pressure on the Burmese authorities and to make it clear to them that the international community will not stand idly by but will continue to act if they continue to break international law and human rights agreements. A strong message needs to be sent. Those measures should perhaps include sanctions on the very lucrative oil and gas industry, and as with the investment ban, they should include a clear timeline for implementation. Perhaps the Minister might say whether discussions about further sanctions have taken place and, if so, whether they included the specific possibility of introducing future sanctions on the oil and gas industries.

Although we acknowledge that the Government have taken a lead on this issue at EU level, we are concerned to ensure that existing sanctions are being implemented properly in all British dependencies and overseas territories. The Burma Campaign UK has reported that companies in Singapore have invested in Burma through their base in the British Virgin Islands and that an oil company has also invested in Burma through Bermuda. That will be a matter of great concern to the House.

In fact, Bermuda has not enacted the EU sanctions in its domestic legislation at all, and Orders in Council have not been applied there. In our view, if the EU sanctions are to work properly, in partnership with the respective Governments involved, the UK Government need urgently to review the effectiveness of the implementation of EU sanctions in British overseas territories. I therefore ask the Minister to inform the House whether any such review is being undertaken. Will she also give a commitment to ensuring that new Orders in Council are introduced to guarantee that the new EU sanctions have more meaningful and immediate effect?

In addition, the UK imported £19 million-worth of goods from Burma and exported £2 million in the first eight months of 2007. We do not, however, know the identities of the companies involved because the Government refuse to disclose their names on the grounds of commercial confidentiality. Given the understandable and increasing interest of the British public in the conflict within Burma, will the Minister reconsider the Government's decision not to disclose the names of those companies that currently invest in Burma, so that they, too, can be held to account?

In conclusion, I am pleased that the Government have sought to make Burma the subject of this Adjournment debate. It is right and proper that the House has the opportunity to voice its concerns on this vital issue. The situation in Burma has been most grave for a long time, and the events of the past months have pulled the country dramatically back into the public eye and can leave no excuse for the international community not to act. The Government can be assured of support from the Liberal Democrats if they are serious about resolving the grave human rights abuses, if they are serious about resolving the humanitarian crisis and if they are actively engaged in helping to bring about a resolution of the crisis in Burma. For the sake of the people of that country, I very much hope that they are.

6.28 pm

Mike Gapes (Ilford, South) (Lab/Co-op): I compliment the hon. Member for Cheadle (Mark Hunter), the Secretary of State and the right hon. Member for Richmond, Yorks (Mr. Hague) on their introductions to the debate. I very strongly agree with my right hon. Friend the Member for Cynon Valley (Ann Clwyd)—I hope that I have pronounced the name of her constituency correctly—who talked so strongly about the situation with regard to parliamentarians.

Dr. Julian Lewis (New Forest, East) (Con): Little Englander.

Mike Gapes: The members of the Select Committee on Foreign Affairs are not little Englanders; we visited the United Nations in New York two weeks ago, and we had useful discussions with Secretary-General Ban Ki-moon about the situation in Burma, as well as meeting some of the exiled groups that are working in the UN to try to get democracy and human rights in their country. I shall begin my remarks with a discussion of those groups.

There has been much concentration on the nature of the regime and the repressive events in Rangoon and elsewhere, but so far nobody has talked about the complexity and diversity of the country. Burma—Myanmar—is one of the most ethnically complicated and mixed countries in the world. More than 40 per cent. of the population are from ethnic minority groups and, for more than 20 years, there has been a series of sometimes violent rebellions against the brutal military regime. So far, many of those groups have not engaged in the current protests and pressure for democracy, but if there is to be political progress in Burma, it will be a question not just of restoring a democratically elected Government, but also of making sure that there is political dialogue and compromise to end long-standing, deep-seated and complicated regional and ethnic conflicts.

One of our problems in dealing with the situation is the mindset of the regime. There is an interesting article, "Understanding the junta", by Nic Dunlop in the latest issue of *Prospect*. I recommend that all Members read that article, because it shows clearly that the mindset of the so-called State Peace and Development Council—probably one of the most misnamed organisations ever—is based on the training the generals received from the Japanese imperial army, which established an organisation to fight against the British in the 1940s. Later, some of those generals, including the father of Aung San Suu Kyi, changed sides and joined the British to drive out the Japanese, because they realised that the Burmese people would not get their freedom by allying with the Japanese. In 1947, the British Labour Government brought about the process that led to the establishment of an independent Burmese state.

In reality, however, there is a brutal, repressive mindset within the military that goes back to the 1940s, so we have to confront the difficult fact that those people live in a time warp and their world view will be extremely difficult to change. Mr. Gambari may try to do it, but he does not hold the cards. Reference has been made to Burma's neighbours and countries that can influence Burma. The United States does not have influence, nor does the EU, although it is right that we have sanctions policies and that we bring international pressure to bear. It is right that we do whatever we can, but it is an illusion to think that we will be able to change the nature of the regime, which will either be overthrown internally or changed through pressure from Burma's neighbours and the region.

There has been some movement in the position of the Chinese. It is important that China recognises that the whole world is watching its behaviour now that it is a serious global player and that, as we approach the 2008 Olympics, there will be even more attention on China and its policies, both internal and international. However, even though 700 Chinese companies invest in Burma, we must recognise that China alone will not be able to change the nature of the regime.

The ASEAN countries, including some of Burma's neighbours, have a responsibility, too. One of those countries is Thailand, which is host to a large number of the refugees who have fled across the border from Burma. However, Thailand purchases gas from the Yadana and Yetagun gas fields so it also provides the regime with its largest amount of foreign currency earnings. Unfortunately, the Thai Government, too, are now a military regime, so we need to recognise that it is not just a question of talking with the Chinese, democratic India or other countries; Thailand has a

[Mike Gapes]

role and we need to consider how we might influence other countries to bring about change in Burma.

Another important issue is what happens in ASEAN as a whole, as my right hon. Friend the Member for Cynon Valley pointed out in her remarks. An important ASEAN meeting will be held in Singapore next month to sign the ASEAN charter, which includes an agreement to establish an ASEAN human rights body. At present, there is no sign that the other nine ASEAN countries will try to expel or suspend Burma from their organisation. Indeed, it is likely that General Than Shwe, the strong man in the regime, will attend the charter signing ceremony, so we need to start to raise issues and to bring pressure internationally on ASEAN.

Reference has been made to the remarks of the Foreign Minister of Singapore. Some of the ASEAN countries are democracies and some—for example, Indonesia and the Philippines—have been pressing for strong statements of condemnation of what has been going on in Burma. Unfortunately, some others—Cambodia, Laos and Vietnam—have some sympathy for the authoritarianism of the Burmese regime. Those countries are not as bad as Burma, but nevertheless they are not pluralistic and democratic. There is a problem in achieving early, significant shifts of approach in the region.

Ann Clwyd: I have just returned from Cambodia where we had a two-hour session with the Prime Minister, Hun Sen. We discussed the situation in Burma at length and I hope that my hon. Friend will now find that a different attitude will be taken towards Burma than has been apparent so far.

Mike Gapes: That will be welcome. We must wait to see what happens. I am aware that although the secretary-general of ASEAN said there could be "no business as usual", he also made it clear that there was no question of imposing sanctions on the Burmese regime or of suspending it.

The origins of the immediate crisis go back to the rapid increase in fuel prices that occurred due to the bankruptcy of the economy and the fact that the military regime was running a huge budget deficit. Whatever repressive actions the regime takes and however many people it beats up, drives into exile or kills, the fundamental problems will not go away. The regime spent billions of pounds building its new capital city in the middle of the jungle. The military elite has an adequate or good living, while the mass of the people live in abject poverty. The situation was so severe that the monks protested. People did not have enough money to live on so they could not give charity to monks, who in Buddhist culture rely on charity from the community. The situation is that bad and the underlying problems will remain unless the regime begins to change.

It is estimated that, in the 1990 election, a very large number of people in the military voted for the National League for Democracy, and that even now there is significant support within the military for possible reform and opening up, but of course the dinosaurs at the top will do everything possible to resist that change. It is to be hoped that someone in the regime will recognise that there needs to be transformation, compromise and dialogue.

Just as Nelson Mandela was let out of prison in South Africa to ensure a peaceful and democratic transition, so Aung San Suu Kyi should be released from house arrest and should be put in a position in which she, in discussion with her political colleagues, can act as a conduit and a force for the transformation of Burma into a pluralistic and democratic society. That is the best way forward for Burma, and that is a way to ensure an easing of the international pressure for sanctions, isolation, and targeted measures against members of the regime. If Burma does not take that way forward, Asian countries and the rest of the world will ratchet up the pressure, and the country's underlying economic problems will not be resolved. There is a way out for Burma, if it has the courage to take it.

6.41 pm

John Bercow (Buckingham) (Con): Rape as a weapon of war, extra-judicial killings, compulsory relocation, forced labour, the use of child soldiers on a scale proportionately greater than in any other country of the world, the use of human minesweepers, the incarceration of political prisoners in conditions of unspeakable bestiality, religious persecution, water torture and the destruction of more than 3,000 villages in eastern Burma in the past decade are all chapters in the story of savagery that has shamed the Burmese military junta in the eyes of the world.

In the past three years, I have twice visited the Thai-Burma border and, in September this year, I returned from a week-long visit to the India-Burma border. Those visits left indelible impressions on my mind. I will never forget hearing testimony about a man who was dangled over a hot fire as part of his punishment. I will never forget speaking to a man who had been incarcerated and beaten throughout the night, and who had suffered the humiliation and agony of having his body swung repeatedly against a pillar. I will never forget hearing testimony about a man in Insein prison who was so malnourished, so ravaged, and so painfully thin that, in the words of my interlocutor, it was possible to see his intestines moving like worms.

I will never forget meeting a boy, now aged seven, who at the tender age of three was forcibly abducted by Government troops for use as bait, taken to a remote army camp, placed in a cold, stone room with a mud floor and no windows, and kept there for no fewer than eight hours without being offered food or water. I will never forget, on my first visit to the Thai-Burma border in April 2004, meeting parents who had seen their children shot dead in front of them, and meeting children who had seen their parents shot dead in front of them. I will never forget the stories of the barbaric mutilation that regularly takes place, courtesy of the Burmese army, the Tatmadaw. We are talking about eyes being gouged out, tongues being ripped out, noses being chopped off, and heads being chopped off. Above all, I will never forget the harrowing, chilling stories about heads being placed on pillars or posts in prominent parts of villages as a warning of what might lie in store for anyone who dared to rebel, or simply to presume safely to exist as a member of a minority.

In light of the present situation, I have to call to mind all the experiences of the past 45 years and ask the House: what is new? The human rights abuses are not new, because as my right hon. Member for Richmond, Yorks (Mr. Hague), the shadow Foreign Secretary, noted, they have been taking place for 45 years under the auspices of the barbaric and illegitimate Government. There is nothing new there. The abuses are not unrecorded, so there has been no new discovery of historical events; on the contrary, for decades, the abuses have been extensively documented by Amnesty International, by Human Rights Watch, by the Burma Campaign and—if I may say so with particular force and admiration—by Christian Solidarity Worldwide, whose Asia advocacy officer, Ben Rogers, has in recent years undertaken no fewer than 18 visits to the Thai-Burma border, and many visits to other borders. So there is nothing new there, either. There has been no revelation to the international community. Indeed, I think it fair and safe to say that, on the whole, the international community has been conscious of the nature, scale and recurrence of the abuses, but has by and large thought it politic to look the other way—to turn a blind eye and discuss a more convenient or comfortable subject.

I remember asking the then Prime Minister about the situation in Burma on 8 November 2004, and his reply was revealing and salutary. He said, at the Dispatch Box, that it was really only the absence of television cameras in Burma and a number of other places of despotism that enabled the dictators to get away with their ill-gotten gains and to cling to their power for so long. Now, the situation has changed, at least in the sense that we have learned of the nature of the abuses with an intensity that was previously denied to us. We have seen the bravery, courage, sacrifice and sheer undiluted heroism of the monks and others, and we have seen the sheer viciousness of the response from what must undoubtedly be one of the most egregious abusers of human rights to be found anywhere on the face of the planet.

Of course, we have to ask what we can do to bring about change. Every speaker tonight has asked that question and sought to answer it. My right hon. Friend the shadow Foreign Secretary and others correctly referred to the role of the European Union. I am sorry to say that hitherto it has been fiddling around in the undergrowth, and its position has been to opt for the lowest common denominator. It has sought sanctions in the form of action against the pineapple juice sector and a tailor's shop in Rangoon. I am delighted that as a consequence of concerted pressure, of continued publicity and of remorseless protest from the international community and millions of ordinary people, it has now gone beyond that. Worthwhile sanctions are now in place, but we need to monitor them to ensure that they are enforced. As the hon. Member for Cheadle (Mark Hunter) said, we have to be sure that they are not effectively flouted via a circuitous route through the use of third countries. We should go for a comprehensive investment ban.

Let me make one other suggestion about the European Union: why do we not suggest, and advocate as policy, a ban on the provision of insurance cover to companies that trade with the regime? It is difficult to envisage companies being willing to trade with it if they cannot get insurance cover. There is a role for the European Union, and a role for the United Nations; that has to be pre-eminent. We need a Security Council resolution of a binding character that sets out, in terms, the actions that are required of the regime and an exacting timetable within which they have to be performed. That resolution should say that Aung San Suu Kyi should be freed; that all remaining political prisoners must be released; that there should be clear, free and unimpeded access both for humanitarian aid organisations and for those undertaking professional responsibilities to assess the human rights situation on the ground; and that there must be meaningful progress in tripartite talks with the National League for Democracy—the true victors of the 1990 elections—and representatives of the ethnic national groups, failing which, intensified sanctions, particularly the imposition of a comprehensive arms embargo, will follow.

Of course, there is a role for others, too. India and China are central, as the hon. Member for Ilford, South (Mike Gapes) acknowledged. It pains me to reflect that India's behaviour is getting worse at a time at which China's might be considered to be getting a little better. How can the country of Gandhi and Nehru behave as it does, selling attack helicopters and the arsenals of potential destruction and certainly of human rights violation to this appalling regime? It simply is not right. It is not right that China does so; it is not right that Russia does so; it is not right that Serbia does so; it is not right that Ukraine does so; and it is not right that the member states of the Association of South East Asian Nations continue to do so. There comes a point at which we must say, "When will nations choose respect for human rights and democratic values over the reckless pursuit of filthy lucre?" As the hon. Member for Cheadle said, of course, it is right that Britain should put the priority of public interest and the availability of information ahead of the excuse of commercial confidentiality for companies importing goods and other equipment from Burma. I thought that the figure in 2006 was about £26 million-worth of goods. Companies that import goods from Burma should be named and shamed. People have a right to know the country of origin and the method of production of the goods that they are invited to buy.

I agree very much with what my right hon. Friend the shadow Foreign Secretary said, and I think that it will be echoed later by my hon. Friend the Member for Sutton Coldfield (Mr. Mitchell), the shadow Secretary of State for International Development. We should embrace wholeheartedly the recommendations of the International Development Committee to quadruple aid, to facilitate greater cross-border assistance, and to back the women's organisations and trade union groups that have toiled in the vineyard for years to help the dispossessed and the disadvantaged. We should support a range of exiled organisations, which not only have practical experience and worth to contribute, but should be part of the reconfigured arrangements in a new constitutional democracy in Burma.

Daniel Kawczynski: I am extremely pleased at what my hon. Friend said about British companies importing goods from Burma. My understanding is that we import £26 million-worth of such goods, so does he agree—and I think that he alluded to this—that those companies should be named and shamed?

John Bercow: I certainly do. We have to do a great deal more, and ultimately, we have to decide how we are going to deal with a regime that is as despotic as the Burmese regime. One of the most horrific recent revelations was the report, supposedly unconfirmed but probably reliable, that the crematoriums were working overtime, burning the bodies of the regime's slaughtered victims. Any regime that can behave in that way must be decisively confronted and defeated, rather than continually appeased.

Dr. Julian Lewis: My hon. Friend's powerful description of that behaviour is, as he says, not a new description of that regime. It is not new, either, in the history of totalitarian Governments of both left and right. Is it not strange that many of the countries that he listed as helping the Burmese dictatorship claim to have broken with, or at least moved away from, totalitarian dictatorship themselves? Cannot more be done to try to show those countries that if they are to live up to the claims that they make for their own political evolution, they must put pressure on the Burmese Government?

John Bercow: My hon. Friend is absolutely right, and that underlines the importance of a much wider and more sophisticated concept of national interest. Many countries say that they do not want to interfere. We know perfectly well that, under international law, it cannot possibly be justified for a state to hide behind the cloak of sovereignty by practising egregious human rights abuses, so the doctrine of humanitarian intervention is well established in international law.

My response to other countries that are considering whether to give support to, or to trade with, Burma is simply that they do not know what the consequence of their behaviour may be. It is not simply a question of damaging consequences for individual citizens living in Burma but of the spread of disease; of an increase in the arms trade; and of regional and global insecurity that could result from a rogue state that is left untamed. It is a tiger that is on the loose, and it has to be dealt with decisively. Ultimately it comes down to the question of whether the member countries of the United Nations are prepared collectively to decide that the UN is an instrument of necessary change in the world, or whether they are content merely for the UN to be a symbol of passive acceptance of a thoroughly unsatisfactory status quo. I hope that it is the former, not the latter. I rejoice in the fact that there is substantial consensus on many issues across the House. We need to ensure that there is priority, focus, determination, resolution and clarity in public policy. That is right in itself, it is what the people of Burma need, and it is what they most certainly deserve.

6.56 pm

Gordon Banks (Ochil and South Perthshire) (Lab): I am grateful for the opportunity to contribute to this important debate. I am delighted to follow the hon. Member for Buckingham (John Bercow), who made an eloquent, expansive, moving and informative speech.

The whole country is deeply disturbed by the recent events in Burma, which are arguably the result of decades of oppression. The Burmese regime may have hoped that by closing down the internet and targeting the media it could hide its crimes from the eyes of the world. If so, it has failed. Horrific repression has provoked disgust and anger across the globe. The suppression of democracy, as well as beatings, forced displacement, killings, arbitrary detention, forced labour, rape and the recruitment of child soldiers are just some of the tools used in Burma. The Burmese regime can be summed up in a few words—oppressive, abhorrent, brutal, and barbarous—but with your indulgence, Mr. Deputy Speaker, I should like to express my absolute disgust with the regime in a few more words.

As we have heard, the military regime imposed a reign of fear on the people more than 40 years ago, and it has crushed protests ever since. It remains steadfast in its opposition to free speech, worship and assembly, but the Burmese people's desire for freedom continues. That was vividly expressed when Aung San Suu Kyi's pro-democracy party won the election, but we all know that the results were ignored by the military, so instead of ruling her country, she was placed under house arrest, where she remains to this day. The freedom fight continued, however, and on 19 August this year, brave Burmese students took to the streets to protest against increases in the price of fuel, food and other basic items, as we have heard. Essentially, those already poor and desperate people were denied their most fundamental rights while the military regime continued to construct and maintain one of the world's largest armies. Burma has the 12th largest army in the world, with nearly 430,000 active troops, thus dwarfing our own armed forces and those of France and Germany.

Students throughout the world have stood up against oppression, whether in Tiananmen square in 1989 or on the streets of Belgrade in 1992, and it was no different in Burma in 2007. Those students—hopefully, some of them will be Burma's future thinkers and leaders—were arrested in midnight raids, left to die in their cells, and killed under interrogation. In the days after 19 August, as demonstrations grew, those who remained outside the crowded prison cells marched in Rangoon, joined by Burmese monks, who are no strangers to protest. Bullets were fired, and tear gas was directed at crowds that reportedly reached 100,000 strong. As the saffron revolution began, many monks were beaten. Let that thought stay with the House tonight: Buddhist monks beaten as they protested on the streets. The monks, once the most respected group in Burma, are not safe from the state-sponsored violence and repression.

As the Prime Minister said, we must not turn away. As Edmund Burke said, all that is necessary for evil to triumph is that good men do nothing. It takes a brave person, but also a desperate one, to face down a loaded gun and stand up for what they believe to be right. We should salute that bravery here today, but also send the message to Burma to let the Burmese people know that we stand alongside the good men and women of the pro-democracy movement in their fight. We cannot march with them, but we have the power to effect change.

I doubt that there was significant belief among the protesters that their actions alone could bring down this oppressive regime, but any small hope that they may have endured was brutally shattered when the crackdown was launched: monasteries raided, as we have heard, thousands arrested, and unknown numbers killed. Some of the protestors were as young as seven. We hear rumours of hastily arranged cremations designed to hide the number of the dead. Is this 1940s Europe or modern day Burma? What could be going through the minds of Burmese soldiers to make them shoot their own people? Is this the same evil that ran through the minds of the Nazi SS troops? Are they only following orders or do they believe that killing their own people is the right thing to do?

The steps to be taken in Burma are clear: end the violence, release the political prisoners and grant access to the international community. The only obstacle to a stable and prosperous Burma is the regime itself. There is no reason why Burma cannot match the economic success of its neighbours and go on to become a strong player on the international trading stage. Once the world's foremost exporter of rice, it can again be, with our help and the willingness to change on the part of the military regime.

We have seen recently that the US and the EU have instituted firmer actions against the regime, but the UK and all other nations need to utilise all their diplomatic and economic leverage to help the Burmese people reclaim their freedom. I am thankful that our Government have announced the additional £1 million of urgent aid to Burma to attempt to deliver support to those in real need, and I am glad that the Prime Minister and the Foreign Secretary are exploring other avenues. However, on the issue of support to the Burmese people we can go further.

I thank the Secretary of State for International Development for his commitment today and trust that he will continue to review the issues of funding to projects to promote human rights and democracy in Burma. I understand that our Government are preparing for the future should reconciliation occur, and recent international meetings are an important step. It is important to look at how Burma can be supported if it demonstrates real and verifiable progress. If such a situation should develop, our primary priorities should be access to health care, education and debt relief. Those measures will hopefully encourage the regime genuinely to work towards reconciliation. But if progress is insufficient, too slow or piecemeal, stronger options must be considered.

On the issue of health care, the closure of two Red Cross stations in March was deeply regrettable. We cannot allow international posturing to distract us from the fact that people are needlessly suffering through disease and injury as the Red Cross is forced to the sidelines. I urge the Foreign Secretary and the Secretary of State for International Development, as other hon. Members have done here tonight, to do all in their power to have the International Red Cross and other aid agencies allowed back into Burma.

To return to international pressure, the UK Government's key aim is to mobilise support, particularly among Burma's neighbours. The Burmese situation should be troubling to China for several reasons: Burma is on its doorstep and Beijing is wrong to think that domestic unrest in Burma has no regional impact. Burma is a country transformed in recent years into a virtual client state, where the Chinese are building roads, burning forests and backing gas projects. However, we are grateful for their support for the latest UN Security Council statement and for the facilitation of access for the UN special envoy. Ibrahim Gambari has been instrumental in opening new dialogue between the military and Aung San Suu Kyi's pro-democracy party. The pressure that that brought about must be maintained. China must stay involved in the process and the international community is watching China closely in the run-up to the Beijing Olympics.

I take this opportunity to urge the Royal Bank of Scotland, which has a 8.25 per cent. holding in the Bank of China, to use its position to bring about a change in attitude of Sinopec and PetroChina, and dare I say, even the Bank of China itself. It should not rest easy with the Royal Bank of Scotland shareholders that they are benefiting from the profits of Burmese repression.

John Bercow: What the hon. Gentleman has just said is absolutely right. Does he agree, however, that we simply cannot within the EU be in any way complacent about this matter? Will he concur with me that it is frankly the most damning indictment of a democratic Government, namely that of France, that Total Oil should be engaged in a $400 million investment to prop up the sadistic thugs who rule Burma? Is it not about time that they reconsidered and stopped offering sanctimonious humbug and self-serving rhetoric about their tiny little humanitarian aid projects when they are there for the filthy lucre?

Gordon Banks: I could not agree more with the hon. Gentleman. Perhaps if we gathered some more information regarding UK trading and investments within Burma, we could apply our own individual pressures in that way as well.

It is also grossly unacceptable that the First Minister of Scotland seeks to make Burma an ally in his conflict with the Westminster Government.

Despite Burma's massive army, it is a fragile state where the danger of fragmentation is real. Insurgencies and drug warlord militias could easily fill a vacuum, and that is certainly something that no one wants to see. China can be a strong voice for reform in Burma, but, as we have heard tonight, it should by no means be the only one. Thailand must also accept responsibility as a primary funder of the military regime by its purchase of Burmese gas. India is another country that must live up to its responsibilities in the region. Its uncritical relationship with the regime is very disappointing and I hope that recent representations made by the Foreign Secretary and the Prime Minister will assist in moving the Indian position. India is the largest democracy in the world, and economically supporting such a repressive regime must be made to embarrass politicians in India.

The international approach is so vital. The protesters know that the regime will not relinquish power at the behest of the Burmese people alone. The leaders have no interest in the people and never will. The real drivers of change and reform must be Aung San Suu Kyi, the democratic political opposition and the ethnic groups in Burma. The protesters need to know that their voice is having an impact on us here in the west. As the protesters speak directly to us they are saying, "We are here. Look at what is happening. Please help us." Those people and indeed the world are watching this Parliament today to see that we are doing everything in

[Gordon Banks]

our power to bring these atrocities to an end and to send the strongest and clearest message to Burma that this action will no longer be tolerated.

We all know that we have strong colonial ties to Burma and I am sure that many in the Chamber will, like me, have had family stationed there, and that places an additional responsibility on the UK to seek a resolution to the current problems and to ensure Burma's future.

But before I bring my remarks to a close, I want to talk briefly about the role of Aung San Suu Kyi. This remarkable woman has spent 12 years under house arrest as she has watched her country descend into chaos. We debate in this Parliament about whether 28 days' detention without charge is acceptable, yet this woman has been held hostage for 12 years and her only crime has been a desire to make Burma a better place in which to live. Her struggle is one of the most extraordinary examples of civil courage in Asia, and indeed the world, in recent decades. She has become an important symbol in the struggle against oppression and serves as an example to others around the world. Her name, along with that of Mahatma Gandhi, will echo through time as a leading light of non-violent protest in support of human rights. I am sure that many in this House will join me in looking forward to the day when she gains her rightful place as the leader of Burma.

John Bercow: I am incredibly grateful because the hon. Gentleman not only makes a very good speech, but has also proved to be highly generous in giving way to me. What he says about Aung San Suu Kyi is absolutely right. Will he further agree with me—she is undoubtedly the world's greatest heroine today—that the regime in Burma has no moral entitlement whatever to say, "Yes, we will meet her, but on condition a, b or c?" The regime that is guilty of ethnic cleansing, of war crimes, of crimes against humanity and probably of genocide should agree unconditionally to meet someone who is far greater than any of them will ever be.

Gordon Banks: No one would disagree with the hon. Gentleman's remarks.

I hope that the regime will come to realise, if it does not already, that significant movement is urgently required and that the international community will not tolerate the continuation of recent atrocities. I also hope that the focus on Burma in this House tonight will play its part in creating the momentum required to bring about the necessary change and end the rule of that repressive, barbaric junta.

7.10 pm

Mr. Nigel Evans (Ribble Valley) (Con): It is a privilege to participate in this debate, which is rightly full of passion—there have been some excellent speeches.

Everyone in this country, never mind in this House, was repulsed by the pictures from Burma, where people who were complaining about their plight and the starvation and poverty levels under which many of them were living engaged in peaceful protests. They wanted their view to be known, and they were joined by monks, who are revered by the people of Burma and who live among them. The people wanted peacefully to demonstrate against what they saw was wrong, but they were beaten, arrested and persecuted. A heavy hammer came down on anyone who dared to speak against or threaten the regime, which has existed for far too long.

We must remember how hideous the regime is. I mentioned earlier in the debate James Mawdsley, who visited that country. Many Christians live in Burma, and they are persecuted—for example, they cannot move about as we can here, because the multiplicity of faiths that we have here is simply not allowed in Burma. James Mawdsley was distributing Bibles, and he was arrested and put in prison, which shows what sort of regime we are discussing.

One reason why we can see what is going on at this juncture is the bravery of journalists, some of whom have visited Burma under cover. They have reported what is going on in that hideous regime, and it is important that they continue to do so. We are grateful for the risks that they take and for the work that they do.

Aung San Suu Kyi has been mentioned many times. She has experienced 12 years of illegal detention, and she is an iconic figure who personifies the fight and struggle of the ordinary people of Burma to be free. She is the only imprisoned Nobel peace prize laureate in the world. Glenys Kinnock MEP never spoke a truer word when she said last week:

> "Aung San Suu Kyi symbolises the Burmese people's struggle for freedom. She is isolated, denied her liberty, her voice stifled and her communications cut".

Aung San Suu Kyi is a beacon of light in that country. She has demonstrated a tremendous commitment to liberty. She has been likened to Gandhi, because of the way in which she has peacefully sought to promote what everyone in this country takes for granted.

The right hon. Member for Cynon Valley (Ann Clwyd) mentioned parliamentarians in Burma who are now sitting in prison, and we must remember our responsibility as parliamentarians to them. Sometimes people ask what is the point in having yet another debate about yet another country in the House of Commons and in having yet another march—there was a march through the streets of London only a few weeks ago, when people showed their solidarity with the people of Burma. Today, a veteran of the 1988 demonstrations, who went to jail for six and a half years, explained to me that the message that they are not forgotten will get through to ordinary people in Burma and to people who are languishing in jails in Burma today. When people marched through the streets of London, people also marched throughout the world. That has not gone unnoticed, and it will give people in Burma succour and strength to know that we are thinking about them and the conditions in which they live.

Mr. Oliver Letwin (West Dorset) (Con): Does my hon. Friend agree that it is also important that the Karen, the Karenni and other ethnic minorities, who have suffered appallingly at the hands of the regime, should take succour from the fact that we have not forgotten them?

Mr. Evans: One of the merits of this debate is that we can share our experiences, such as those of my hon. Friend the Member for Buckingham (John Bercow), who has had first-hand conversations with those who have been persecuted by the regime, and those of people in our constituencies—and that message will not stay only in this House. We know that the Government are listening to us tonight, and they will also listen to what the people of Burma are saying about what they feel should be done. I will discuss what the protesters, both in 1988 and of a few weeks ago, want to see us do.

John Bercow: Pursuant to the point raised by my right hon. Friend the Member for West Dorset (Mr. Letwin), it has perhaps been under-mentioned that cultural genocide against the Karen, Karenni, Chin, Shan, Mon, Arakan and Rohingya peoples is a fact of life in that country. Is my hon. Friend the Member for Ribble Valley (Mr. Evans) aware that a particularly obnoxious form of human rights abuse is now being practised in Chin state, where the Government of Burma are deliberately promoting the sale of industrial-strength alcohol and targeting it at women in particular with a view to damaging health and wrecking another ethnic minority? Is that not a further example of despicable behaviour?

Mr. Evans: Everyone agrees that we are discussing one of the worst regimes in the world—it has some stiff competition. The Chairman of the Foreign Affairs Committee has said that there are complex cultures in Burma, and the situation is not straightforward by any stretch of the imagination, but the fact that various sects and groups of people who live in Burma are persecuted is deplorable. My hon. Friend has mentioned that the crematoriums are working overtime in order to destroy the evidence of what the regime is doing. However, if the regime thinks that it is going to get away with it, it should think again, because it will not get away with it.

Many of the people who were involved in the 1988 campaign against the regime have come forward again during these protests. The one thing that cannot be extinguished is the spirit of the people, who are fighting for liberty—their lives may be extinguished, but the campaign goes on. The campaign will go on in Burma until the hideous regime is removed.

Dr. Julian Lewis: One organisation that has not been mentioned so far is the International Criminal Court. Given that the court was set up specifically to deal with war crimes and that it exists on a standing basis, which means that a special organisation would not need to be established, is it not possible to indict before the International Criminal Court the perpetrators of the atrocities of which we have heard so much?

Mr. Evans: It is certain that those people must be brought to justice, and there is a mechanism by which that can happen. I hope that the Minister has listened to my hon. Friend and will see whether anything can be done to advance that cause, which would send the right message to the people of Burma in their struggle for freedom.

As I have said, Aung San Suu Kyi is iconic; there are no two ways about it. She is a leading figure who acts as a focus for people around the world, in showing determination, not giving up and continuing the struggle in conditions of repression. We must remember that she is not alone; others in Burma are also continuing the struggle. I want to draw attention to two activists, both leaders of the '88 generation of students. They have each spent 14 of the past 19 years in prison for daring to stand up to the junta.

Htay Kywe managed to spend several weeks on the run following the most recent protests. During that time, he issued statements calling for the release of other human rights activists and pointed out human rights violations that had been committed. He was one of the signatories of an open letter that took up the Burma issue with the United Nations Security Council; because of that, I am worried that he is likely to have been particularly badly treated following his arrest on 13 October. The second human rights activist is "Jimmy" Kyaw Min Yu, a prominent campaigner who went into hiding last month. His wife Nilar is still on the run. They have a four-month-old baby. Those brave men are being held in atrocious conditions, and if the past is any indicator, they will be tortured—without access to a lawyer, on trumped-up charges and with the prospect of years in prison.

Clearly, we need to keep up the pressure on the regime. Stiffening up the United Nations resolution has been mentioned. I was involved in the Inter-Parliamentary Union discussions in Geneva not long ago, and I pay tribute to the right hon. Member for Cynon Valley; Burma was debated as an emergency resolution. Clearly, there was competition from those who wanted to debate Iraq, but we felt that the resolution on Burma was far more urgent.

I sat on the committee that considered the resolution asking for arms sanctions against the country. That anybody should be trading arms to Burma in this day and age defies reason. Furthermore, why would anyone want to trade with that country? Any money helping to prop up the regime—whether pound, euro or yuan—is blood money, and we must crack down on it. The right hon. Member for Cynon Valley said that 143 countries were represented at the meeting, but on the committee there were representatives of China and India, and getting our resolution through, as we finally did, was not always easy. That resolution from the IPU Geneva conference is hard-hitting and I hope that the Minister has seen it. I also hope that it will be taken on board as a demonstration of how many parliamentarians throughout the world wish action to be taken against the regime.

John Bercow: Does my hon. Friend agree that there is also a wider principle? As a general rule, dictators make bad business partners. If someone feeds the monster, it could end up devouring them.

Mr. Evans: My hon. Friend makes an important point, but there is also the moral point of view: how can people sleep at night when they know that they are helping prop up a regime that carries out the atrocities that we have spoken about? That regime can turn on a group of peaceful protesters and imprison, torture and kill them. Is that what those propping up the regime

[Mr. Evans]

want to be involved in? As far as I am concerned, they should question their consciences on an hourly basis.

We have mentioned China, India and Thailand. They and all the other ASEAN countries are important; they all have a role in trying to convince the regime that its time is up and it is time to move on. I hope that none of those countries abdicates its responsibilities; it is important that they all use their influence in every way, shape and form with the junta and its hideous regime.

I understand that the ASEAN countries have been reluctant to suspend Burma from their group. What does the Burma regime need to do before those countries say, "Enough is enough"? I cannot think of anything worse that that so-called Government can do. The wake-up call is there; in the light of the fresh reports from Burma, I hope that the ASEAN countries will consider their responsibility not to involve themselves with the regime.

I mentioned the '88 generation, which works a lot with civil society in Burma. It is right that we give aid that gets through to the Burmese people, but we should also give aid to elements of civil society operating within the country, which are trying to bring about change. It is important that we do that.

I shall finish by quoting from the letter sent by the '88 student generation to Ban Ki-moon, the UN Secretary-General, on 16 October; it casts light on the situation. It starts by saying:

> "As you know, we are on the run and may be arrested any day. Even under this situation, we are still committed to work for national reconciliation in Burma by peaceful means. This may be the last letter we send to you before our own arrest and torture and we send it with the utmost urgency."

I hope that the United Nations will think long and hard about that letter and what it says the UN should do. I spoke with an artist from the '88 group who was imprisoned for six and a half years. He was beaten and has been persecuted, but he loves Burma. He has married an English lady and is about to have a child. He wishes to return to the country, but he wants to see change there. That must happen. His spirit and that of the people in prison in Burma tonight will live on until the regime falls.

7.26 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I should like to start by paying tribute to my hon. Friend the Member for Buckingham (John Bercow), who made an extremely eloquent speech and has campaigned on Burma for a long time. I have had the privilege of coming with people from Burma to some of the events that he has hosted in the House of Commons and I applaud his continued efforts on that front.

My hon. Friend made one of the most important points of this debate. We are debating this issue today because it is topical and the television cameras have been broadcasting events in the past few weeks. Yet, as my hon. Friend said, the situation is nothing new; it has been going on for years. There has been repression in Burma year after year, and later in my speech I shall come to a suggestion that I would like the Minister to consider.

Burma is important to us. I have spoken to constituents of mine who fought in Burma during the second world war. That period has been little mentioned in this debate, yet those constituents told me of the harrowing conditions that they suffered in fighting fascism and dictatorship in Burma. They do not want their struggle to have been in vain; they do not want us to allow the dictatorship to prosper.

There is a new consensus among our youngsters. Many young British citizens expect us to do something about Burma and want us to get involved. I have received a lot of letters from young constituents urging me to speak in this debate and wanting us as a country to do something. No longer can we say that Burma is a far-away country with little strategic value to us; that is simply not acceptable to our fellow British citizens.

One of the best things to happen when we were dealing with the awful oppression and Soviet tyranny in eastern Europe was the focus on human rights. The Helsinki agreement in 1975 was pivotal to ensuring that such dictatorships were held to account. For the first time, they were forced to acknowledge that human rights issues had to be at the core of discussions and of a civilised society. I am convinced that the Helsinki agreement in '75 was a catalyst for the eventual collapse of dictatorship and oppression in eastern Europe. We need to work with our partners in the far east to undertake a similar exercise. Burma is not the only country in the far east that faces oppression—North Korea is another, and quite a few others treat their populations brutally. It is controversial to say this, but I genuinely believe that no matter what the Minister does now—and I very much urge her to take action—she and her colleagues will need to take some serious steps, with a long-term strategy along the lines of the Helsinki agreement, to ensure that such regimes in the far east realise the importance of human rights.

I should like to talk briefly about international co-operation. When I intervened on the Secretary of State, he said that it was unhelpful to compare the stances of China and India, but I disagree. It is very important to differentiate those two countries. China will not, in all likelihood, act in this matter. China oppresses its citizens in Tibet and there are many violations against its own people. I am therefore rather sceptical about thinking that the Chinese will intervene. They have said publicly that this should be resolved by the Burmese people themselves, they do not want to lose potential energy deals, and they provide funds and succour to the junta.

Gordon Banks: Does the hon. Gentleman think that the focus on Beijing is something that the western democracies should be drawing to China's attention? In 2008, China will no doubt want to be the beacon of the world, and it cannot achieve that if it does not act in line with the responsibilities that the democratic and western world expects of it.

Daniel Kawczynski: I entirely concur. However, there are two different beasts. The Chinese Government must be approached differently, although very strongly, from the other ASEAN countries. We talked about Burma's borders with India, Malaysia and Thailand. Last week, I spoke to the Malaysian Foreign Minister in preparation for this debate. He expressed a willingness to try to put pressure on the Burmese Government but was frustrated by the lack of action by other ASEAN partners in working constructively together on this. We should put pressure on the Chinese but at the same time work on the other ASEAN countries.

I want to make a brief criticism of the aid situation.

Dr. Julian Lewis: Before my hon. Friend moves on to that new area, does he agree that the letter quoted by my hon. Friend the Member for Ribble Valley (Mr. Evans) was reminiscent of nothing so much as the despairing broadcasts of the patriots in the Hungarian uprising in 1956? Does he also agree that the scenes of oppression that were witnessed were reminiscent, as regards China, of nothing so much as Tiananmen square? If we carry those parallels further, both regimes, having suppressed revolt, went on to loosen up the degree of repression, with beneficial results. Does he think that that might yet be reflected in Burma, providing that we continue to make enough of an outcry?

Daniel Kawczynski: Yes, I completely agree. What is happening in Burma is tantamount to what happened in Budapest in '56 and what happened in other eastern European countries. We must keep up the pressure on these dictators.

John Bercow: On the subject of there not yet being enough of an outcry, may I put it to my hon. Friend, with absolutely no disrespect or pejorative intent towards the Minister, that it is imperative that from now on these matters are raised at the highest level—by the Prime Minister, the Foreign Secretary and others—precisely because it sends to the regime the signal that we accord these matters the appropriate priority and it should take its cue from that?

Daniel Kawczynski: I am grateful to my hon. Friend and entirely agree with everything that he has said.

In the past, our Government have promised an increase in aid if there is genuine reform. Of course, that is ridiculous, as the junta has no intention of reforming in any way. That is why I am pleased that the Secretary of State announced that regardless of reform the Government are prepared to increase aid from £8.8 million to £18 million per annum by 2010. However, international statistics show that a country in Africa that is comparable to Burma, with similar levels of poverty and population, would receive £80 million in aid. I still believe that, as other hon. Members have said, £18 million is nowhere near enough to help this country, facing the crisis that it does. I do not understand why the Minister feels that the increase to £18 million is sufficient when comparable countries in Africa receive four times that amount, and I hope that she will explain that.

I support what other hon. Members have said about the importance of supporting a UN arms embargo. That is absolutely essential. My hon. Friend the Member for Buckingham raised the very important issue of British companies that are dealing with Burma. We import £26 million-worth of products, which I find shocking. The least that the Minister can do is to assure us that all the regime's assets have been frozen, or will be frozen, and that she will do something with regard to the £26 million of imports that British companies are bringing into our country. Interestingly, the Treasury refuses to name British companies, citing confidentiality, but I understand that the Secretary of State could have the information released if he deemed it in the national interest. As my hon. Friend the Member for Buckingham said, it is in the national interest to know which British companies are dealing with these barbarians. I certainly do not want to purchase anything that has been brought from that country under these circumstances. We need to know what these products are so that we can boycott them.

The hon. Member for Ochil and South Perthshire (Gordon Banks) made many good points, but the one that resonated particularly with me concerned the Burmese soldiers. Those soldiers seem to be prepared to shoot their fellow citizens, and that is the only thing that sustains the regime. How can they shoot their fellow Burmese—their kith and kin? Having watched the revolution in Romania in 1989, I remember that what really did for Ceausescu was the army's refusal to shoot on its fellow Romanians—that is why that despot fell. I hope that Burmese soldiers will eventually disobey orders and not shoot their fellow citizens.

My hon. Friend the Member for Ribble Valley (Mr. Evans) gave a very important message when he said that events in this Chamber eventually percolate down to people on the streets of Burma.

Mr. John Hayes (South Holland and The Deepings) (Con): My hon. Friend is giving an excellent account to which I have listened with care and interest. He seems to be making the same case as my hon. Friends the Members for Ribble Valley (Mr. Evans) and for Buckingham (John Bercow)—that the only way in which this matter will be kept at the forefront of popular imagination is if this House ensures that it is debated and considered carefully and regularly, for it is a mix of political, diplomatic and economic pressure that will ultimately force the Burmese Government to relent in the interests of decency, democracy and justice.

Daniel Kawczynski: I entirely concur. I very much hope that more Members of Parliament will join my hon. Friend the Member for Buckingham—I am not a one-man fan club, but he does do an awful lot—in highlighting this subject and demanding that the Government give more time for such debates.

My hon. Friend the Member for Ribble Valley said that what we say in this House seeps through to the country in question. I, too, genuinely believe that what we say in this House will somehow be heard on the streets of Rangoon and in the other towns. My message to the soldiers is this: put down your guns and cherish your brethren, and do not prop up these brutes any longer.

Mr. Evans: I wanted to re-emphasise the fact that what is said gets through, even to people in prison—even to those isolated in solitary confinement. Somehow or other, people are able to get the message through, and it is important that they continue to do that work.

Daniel Kawczynski: Yes, I absolutely agree.

I would like to end my speech by saying that, with a view to this debate, I looked at BBC coverage from 1988 and compared it with the 2007 media coverage—my hon. Friend the Member for Ribble Valley

[Daniel Kawczynski]

referred to the role of the media. I found a vast improvement in the coverage by the BBC, and other channels, of the brutality of what is happening in Burma. That is partly because viewers are more interested in what is going on and consequently the BBC and others are making sure that they report on it. I applaud the BBC's coverage of the past few weeks, and I urge it to do whatever it can to ensure that British citizens are kept abreast of what is happening in this brutal dictatorship, to show great support for our Burmese friends who are struggling in this campaign.

7.41 pm

Sammy Wilson (East Antrim) (DUP): I welcome the opportunity to take part in this debate. Perhaps I shall not bring to it the same detailed knowledge and passion we heard from the hon. Member for Buckingham (John Bercow)—and others, in case he thinks that I am the second member of his fan club here today. Anyone listening to the passion and detail with which he described events could be nothing but moved. It illustrated why it is important to have such debates in this place, and leads me to one of the reasons why I wanted to take part.

Since becoming a Member of this House a couple of years ago, I have found that despite all the cynicism we might have about this country, which is sometimes engendered by our own behaviour in the House and by the comments of journalists and commentators, the letters I receive and the lobby groups I meet at Westminster make it clear that this country and its Parliament are often a beacon of hope for oppressed people throughout the world, shining for them and showing them that people in a democracy care about their plight. Sometimes in the darkness of their oppression they can feel that they are forgotten, so it is important that we are having this debate today.

The debate is also important because, just as Parliament is a beacon of hope to those people, it is a cause for concern to oppressive regimes. They know that the spotlight that shines from such debates, and the actions generated by them, will ensure that their dark deeds are exposed and that the sort of activities in which they engage against their own citizens will not go unnoticed. I wanted to take part in the debate for that reason. Moreover, Members from England, Scotland and Wales have spoken, and I want to make it clear that representatives from the whole United Kingdom see this issue as one of concern.

The abuses of the Burmese regime have been well highlighted, illustrated and documented in the debate and I do not want to take up time by adding to that. However, I welcome the outline given to us at the start of the debate regarding the Government's actions. Although many Members expressed reservations about the effectiveness of those actions or how far the Government have gone, it is nevertheless important that we take the issue seriously as a country, and put pressure on the United Nations and directly on the regime to give hope to those who find themselves oppressed.

As a result of that pressure, we are seeing more concerted action, whether it is from Australia, which is now taking action with regard to the bank accounts of some of the members of the regime; Japan, which used to be supportive of the regime and has now withdrawn investment for the building of a university; or the United States, which has taken action with regard to visas, bank accounts and the purchase of gemstones.

One thing that strikes me in all this is that even as the sanctions were announced, the regime in Burma was arresting more people. It is still refusing the Red Cross access to prisons. New reports are coming out of further abuses of prisoners, and the regime is so confident that it can ride out the storm that it has even announced the latest auction for the sale of gemstones, which could net it somewhere in the region of $100 million—a very important source of foreign currency at a time when economic pressure has been put on the country.

One of the reasons why such things are happening is that although actions have been taken and sanctions have been imposed by the countries I mentioned, the countries that can really bring pressure to bear on the Burmese regime have not, to date, shown that they disapprove in any way. I can understand why the Chinese, for example, might feel that they have some economic justification for not leaning too hard on Burma. They rely on Burma for fuel; 40 hydroelectric power schemes are financed by the Chinese, 17 oil and gas fields are being exploited by them and a 1,500-mile gas and oil pipeline is being built. They also want naval bases and other monitoring stations on the Indian ocean. The ASEAN countries have behaved in exactly the same way. There is a certain irony in the fact that, at a time when monks were gunned down and protesters arrested, the Indian Government were in Burma, signing a deal to explore for oil and gas. It would appear that the economic interests of India, which needs fuel for its economic development, have overcome its desire to see justice done for the citizens of Burma.

There is a salient warning for us in all of this. I spoke in a debate in the Northern Ireland Assembly on Burma a couple of weeks ago, and I commented on the role of the Chinese. It was reported on, I did an interview, and afterwards a Chinese friend said to me, "It is very good that you stand and condemn the Chinese Government for their attitude towards Burma. But look at Europe. Look at yourselves and ask whether Britain and Europe, when it is in their economic interests, do not turn a blind eye to some of the human rights abuses in the countries with which you trade?" Indeed, hon. Members have made that point already. Why will the Government not name those companies that trade with Burma, so that citizens of this country can decide whether they want to trade with those companies?

For a long time, the French, because of their oil interests in Burma, lobbied to have that country admitted to ASEAN and tried to stop sanctions on oil and gas investment. Only recently, it made available more than $400 million-worth of currency through deals to the Burmese regime. I should like the Under-Secretary of State for Foreign and Commonwealth Affairs to say when she replies to the debate whether she believes that EU sanctions have been somewhat softened by the reluctance of France, because of its economic interests, to see strong pressure applied to Burma.

Mention has been made of the pressure that could be put on China and the ASEAN countries. I believe that pressure is already building on them. The instability in that part of the world benefits neither the ASEAN countries nor China. When there was a strong, apparently immovable regime, perhaps they were happy to support it. Now that the prospect of long-term stability has lessened, it might push China and the ASEAN countries to apply more pressure on Burma.

Hon. Members have said that the Chinese Government want the Olympics to go smoothly. We should use that as a lever to get the Chinese Government to pay more attention to the position in Burma and put more pressure on the Burmese regime, which they have the ability to influence.

John Bercow: The hon. Gentleman is making a fantastic speech. Given that delaying tactics, the making of only low-level representations by the international community and the removal of the spotlight of publicity from Burma are sources of delight to the regime, does he agree that, in addition to all else that he has said, it is imperative now that the Secretary-General of the United Nations should raise the stakes by making a visit? He wanted the job—is not it a good idea for him to show that he is worth it?

Sammy Wilson: The hon. Gentleman makes an important point, and I want to finish with a plea to the Government to ensure that the stakes are raised and that pressure is applied to Burma.

From my experience, I know that, whether one is dealing with local terrorism such as we experienced in Northern Ireland or the state-sponsored terrorism on a grander scale that we see in Burma, terrorists always hope that people will cry and shout about the last atrocity and then forget it. The one message that the debate must convey at the end of the parliamentary Session is that, in the next Session and for as long as it takes, the spotlight will be placed on the iniquitous regime and that pressure, including sanctions on individual members of the junta, and the threat that, some day, internationally, justice will catch up with them, will be applied. That is important because if members of the regime believe that they can ride the pressure, they will continue to do as they have been doing. We will get reaction and movement from them only if they know that the democracies of the world are determined to ensure that they behave properly towards their citizens.

7.53 pm

Ms Sally Keeble (Northampton, North) (Lab): I will not take up the full allocated time because I understand that others want to speak. However, I am pleased to have the opportunity to take part in the debate because, some years ago, I visited the border areas, especially one of the refugee camps, where I saw people who had to flee their country and had been in exile ever since. That made a profound impression for three reasons.

First, I was struck by the length of time that some refugees had been in the camp. I think that the hon. Member for Buckingham (John Bercow) probably visited the same camps and had the same experiences. Some refugees are part of the second and even the third generation of people who have been born and brought up in the camps and still live in acute poverty.

Secondly, I was struck by the extreme isolation that the refugees experienced. Having been forced to flee their country, they were contained in the camp and had little opportunity to travel elsewhere. They therefore did not have much chance of speaking to and meeting people and talking about what had happened to them.

My third strong impression, which is reflected in the Select Committee's excellent report, was the fact that the refugees felt that they and their cause had been forgotten. We have all obviously been struck by recent events in Burma and the horrendous sights on the television. However, interest in and attention on Burma has waxed and waned and the refugees in the camp did not feel that the world had constantly monitored their plight or was consistently supporting their cause.

I hope that the debate and the action that is taking place will help to redress the balance. I greatly welcome the announcement of my right hon. Friend the Secretary of State for International Development about the increase in spending and the fact that the UK is now a substantial donor. That is a genuine improvement and goes some way towards dealing with the horrendous poverty that exists in Burma and in the refugee camps. I especially recall visiting the maternity ward at the refugee camp and seeing people place Coca-Cola bottles containing hot water and stoppers around premature babies to try to keep them warm and alive. The increase of aid to try to tackle such poverty and disadvantage is enormously welcome.

However—there has to be a "however"—although increased aid will help alleviate suffering and hardship, and prolong and improve the quality of life, it will not solve the problem because it is political. Political pressure and a political solution are needed. My right hon. Friend the Secretary of State spelled out some of the steps that the UK Government and the international community have taken and the progress that has been achieved, all of which is welcome.

The fact that the United Nations has adopted its first statement on Burma by consensus, including China, marks a substantial shift in global politics and sends a clear message to the regime that it, not the refugees, is isolated in world opinion. It also conveys a warning that Burma cannot hope to maintain the status quo and must therefore change its ways.

However, I do not agree with some hon. Members who spoke earlier because I do not believe that adopting slightly different procedures and expecting the world to accept them will work. Given that Burma has a clearly elected and supported democratic leader, regime change, not some slight improvements to a fundamentally unacceptable regime, are needed.

It is also important to note that the United Nations Human Rights Council has condemned human rights abuses in Burma, and to ensure that that is known around the world. It is also important that the EU has targeted sanctions on the regime's economic interests that tackle some of the key sectors of the economy, as my right hon. Friend the Secretary of State pointed out. However, as all hon. Members have said, more must be done to increase the pressure to produce a change in the regime. As many right hon. and hon. Members have already suggested tonight, one of the

[Ms Sally Keeble]

factors that would contribute to that pressure would be a visit from the United Nations Secretary-General.

Also, we should increase the pressure on China and India to change their ways and to understand the extent of the revulsion that the rest of the international community feels about Burma. I understand that China feels the protests in Burma are an internal affair, although it did go along with the Security Council resolution. Despite doing that, however, China has continued to operate its trading regime, with some £2 billion of its imports coming from Burma.

John Bercow: I am interested in what the hon. Lady is saying about the behaviour of the Government of India. I put it to her that that behaviour is not only immoral but profoundly short-sighted. Would she accept that, if the Government of India continue to pursue their "look east" policy to accentuate their contact and extend their commercial relationships with Burma in a bid to make more money, one consequence will be an increase in the number of refugees coming over the border from Chin state in Burma? A richer Burmese Government will cause more people to flee because they are terrified. If the Indian Government cannot see that, they really need to look more closely at the matter.

Ms Keeble: The hon. Gentleman is completely right. I must point out that I have not actually mentioned India yet, although I was about to do so. I understand that, at the height of the protests, India's oil Minister travelled to Burma to sign a deal to explore for offshore gas. There are two aspects to trading with an unacceptable regime—first, the country concerned incurs the wrath of the world and, secondly, it is short-sighted in its own terms, as we have seen from China's adventures in Zimbabwe, which will not ultimately be in China's interest any more than they will be in the interests of the long-term future of the people of Zimbabwe. It is therefore particularly important that the UK Government use the very good relations that they have with China and India to exert maximum pressure on those Governments to introduce sanctions against the Burmese regime.

I believe that the Department for International Development still provides assistance to China and to some of the states in India. It is important that any discussions on those development programmes also point out the contradictions involved in those countries supporting the brutal regime in Burma. We also need to consider carefully the kind of boycott that was adopted here to deal with the regime in South Africa. Comparisons with South Africa and Zimbabwe are probably more pertinent in this context than to those with eastern Europe. There is a growing tourism industry in Burma, and there is a question in this country about whether we should have a popular campaign to isolate the regime in Burma similar to the one that was adopted for South Africa.

Because this is a political issue, it is also important to understand that the UK Government will support the exiles and the refugees from the Burmese Government. If the DFID staff are to be moved from Thailand, it must be made absolutely clear that our embassy there will continue to provide its very important support to the refugees who live along the border between Burma and Thailand. It must be understood that those people will be fully supported and not forgotten.

I pay tribute to the hon. Member for Buckingham. We in the House have a great responsibility to ensure that the cause of the people of Burma is not allowed to slip off our list of political priorities. We can do them a great service by ensuring that the cause of a free Burma is well represented and argued for here.

8.5 pm

Tony Baldry (Banbury) (Con): I do not wish to repeat anything that has already been so excellently said by others in the debate, including by my hon. Friends the Members for Buckingham (John Bercow), for Ribble Valley (Mr. Evans), for Shrewsbury and Atcham (Daniel Kawczynski) and for Sutton Coldfield (Mr. Mitchell), as well as by many on the Labour Benches.

I want to make two points. The first relates to China. I am the vice-chairman of the all-party group on China, and I do not believe that we as a country, or we as a House, have yet got to grips with how we are going to deal and interact with that country. It has emerged from the debate that China is key to what will happen to most of Asia in the 21st century, and certainly key to what will happen in Burma. It is a complex country. In Shanghai, we see rampant capitalism and more department stores than in any European capital, yet in other parts of the country there is a huge amount of poverty. China is managing to lift many people out of poverty, however, and to a certain extent meeting some of the millennium development goals will largely be a consequence of China having achieved that. So China has that contrast between capitalism and state control. It is also quite difficult to work out who its decision makers are.

How do we, as a Parliament, interact with China? As I have mentioned, there is an all-party parliamentary group on China but—like every other all-party group except the British American all-party group—it has to busk its relationships. We go out and get sponsorship from business groups and others who might have a constructive interest in China and, under the leadership of the hon. Member for Wirral, South (Ben Chapman), we have now managed to set up a fairly rudimentary programme in which a delegation from the House goes to visit the National People's Congress one year, and the next year—including next year, we hope—a delegation from the congress comes here to have meetings with us. It is a pretty basic kind of dialogue, however, and if we are to have any real influence with legislatures in countries such as China and India as we emerge into the 21st century, Parliament will have to give much more thought to how, to use a Foreign Office expression, we thicken and deepen our relations with them. We can stand up in this House and make fine and noble speeches, but can we be confident that those who should be listening to them are doing so?

The same applies to colleagues in India. We probably have more contact with them, simply because we have more cause to see Members of the Indian lower House, who come to London more frequently, but it is still pretty hit and miss. Parliament in the 21st century must work out how we can have a much more meaningful relationship with legislatures and decision takers in countries such as India and China, given their increasing importance in the region and in the Security Council.

The second point that I want to make, while the Secretary of State for International Development is present, is that although I welcome the increased development assistance to Burma, I am now genuinely a bit confused about DFID's priorities. The Department started off by wanting to meet the millennium development goals. I think that we then moved to providing budget support for countries that we thought were reformist, doing well, ticking the boxes and engaging in partnerships such as the New Partnership for Africa's Development. Then countries such as Ethiopia and—perhaps—Uganda did not quite meet the criteria, so we went back to project support rather than money.

If DFID is to give support to countries and regimes such as Burma, we need to provide some very clear signalling that it is different from offering support and financial assistance to reforming countries. In other words, we need to make it clear that we are giving assistance because Burma is a failed or failing nation and we do not want it to fail any more. It must be made clear that we are supporting only individuals or groups within such countries, making the development assistance of a different character and nature from that given to Governments of whom we approve.

Everyone participating in a debate such as this is by instinct a humanitarian. Our instinct as a House is to provide support to areas such as Darfur, to refugees in Zimbabwe and to people in difficulties elsewhere. Sometimes we have to ask ourselves what proportion of the DFID budget should be given to such areas and whether we are confident that, in providing support and assistance, we are not making the position worse in the longer run. We may mitigate the worst that is happening in some countries and regimes, but reduce the pressure to reform further.

Mr. Douglas Alexander: I would like to make an observation by way of putting a question to the hon. Gentleman. Does he accept my description of the money announced today, which made it clear that both presently and in the future we do not anticipate providing budgetary support or money directly to the Burmese regime? While it is a constant for DFID to be concerned about poverty eradication, the manner in which we provide either immediate humanitarian assistance or development assistance alters and varies according to particular circumstances. Does he agree that it is reasonable, in the circumstances of Burma of all countries, to say that we must conduct ourselves prudently when increasing DFID's budget to make it absolutely certain that none of the money finds it way into the hands of the regime? It is appropriate to increase significantly during the coming spending review period without prejudice to the capacity of the NGOs to which we are giving money to absorb potentially even larger sums in the subsequent spending review period. That was the aim that I was seeking to articulate.

Tony Baldry: I do not demur from the Secretary of State's take on this. I understand his line, but I am trying to make a slightly different point. Clearly, I am not making it very well, so I will try again. This will be read outside this place as the UK Government giving development assistance to Burma. What I am trying to say is that there should be a way of signalling in DFID's annual report by traffic lights or colouring precisely which countries or areas of the world are receiving development assistance because we believe they are performing well, are reformist and worthy of encouragement, and which areas are receiving assistance because they are failed or failing states. Indeed, we may not give any money to some states, but to the NGOs helping particular groups within those states. The DFID annual report should make it patently clear what proportion of moneys is going in those different ways—budget support, project support and so forth. Otherwise, people will start to get confused as to what proportion of DFID money is intended to be long-term development assistance and what proportion is directed towards immediate humanitarian needs and concerns. That is my point to the Secretary of State.

John Bercow: Increasing cross-border humanitarian aid in a way that DFID officials on the ground have consistently resisted would enable us more effectively to reach some of the most vulnerable people who would otherwise get left out. I put it to my hon. Friend that it would also be helpful if there were an explicit unmistakeable commitment to give funds to pro-democracy organisations. With the greatest respect to the Secretary of State, thus far the Department for International Development has committed to neither of those specific requests.

Tony Baldry: My hon. Friend raises a fine point, on which I would like to expand in response to the Secretary of State. When DFID decided to move increasingly to budget support, the skills mix of officials in the Department changed. If the Department is giving large sums of money to other countries by way of budget support, it means that not so many people in it are involved in projects and other work on the ground, as in Afghanistan and elsewhere.

Mr. Alexander: I will confirm the figures in writing, but my recollection is that there are eight countries to which DFID provides budget support. That contrasts markedly with a very much larger number of countries to which we continue to offer programme assistance. I did not want to allow the moment to pass in the suggestion that the overwhelming preponderance of our development assistance was now offered through budget support. I am keen to take the opportunity that the hon. Gentleman has provided me to reiterate that we do not regard the additional resources offered today to the people of Burma as any reward whatever to the Government of Burma. They will not see this money, which will address the immediate humanitarian needs of people who have been desperately impoverished by the misgovernment of the regime. I think that we have an obligation not to punish the people of Burma twice—once for poverty and again for bad governance.

Tony Baldry: The Secretary of State has misunderstood my point. I am sure that he will write to me; and I will write to him and dig out the quotations of the former Secretary of State for International Development, who

[Tony Baldry]

regularly came before the Select Committee to say, "Hey, lads, what we are going to do now is provide more and more budget support. This is the way that DFID is going to move to meet the millennium development goals."—*[Interruption.]* Yes, my hon. Friend the Member for Buckingham also sat there for four years, going through this process. He saw the direction of travel, too. It stopped being the direction of travel only when various countries to which budget support had been given did not deliver. Ethiopia is one example. It led to the understanding that budget support might be withdrawn if countries did not perform. My point is that if DFID is to fulfil the ambitions for cross-border work with NGOs and others, the skills mix in the Department will have to change. It will need to draw on the abilities of people who are capable of managing projects. That happened under the previous Secretary of State.

Let me point out to the Secretary of State that it would be helpful to have a separate debate on DFID's present direction of travel, so that we can all understand what is happening. It is not good enough to hear him declare that only a small number of countries are getting budget support, as if that were a justification for what is happening, when we were told only a couple of years ago by his predecessor that the intention was for far more of DFID's funds to be distributed through budget support. We need a clearer understanding of where we are actually going.

As I said at the outset, I have two main points. The first is that we need to work out much better how to establish our complicated relations with China; we need to work much harder in that respect. Secondly, I do not wish to test the Secretary of State's patience, but I believe that we need to gain a much better understanding of DFID's direction of travel. It would be helpful to have a separate debate on that matter on another occasion.

8.18 pm

Mr. Andrew Mitchell (Sutton Coldfield) (Con): I start by conveying the shadow Foreign Secretary's apologies. He had an unbreakable commitment at 8 o'clock tonight from which he had hoped to return for the winding-up speeches, but he will not now be able to do so.

We have had a fascinating debate, in which deep concern has been expressed on both sides of the House about the situation in Burma. The competition is stiff, as has been said, but Burma remains without doubt one of the most unpleasant and despised regimes in the world. It is a subject that has secured the House's attention on numerous occasions, but it is some time since we had a debate in this Chamber. I am very pleased that we are debating the subject here tonight.

I first spoke on the subject of Burma in this Chamber at 3 o'clock in the morning on 24 June 1991, nearly 17 years ago. It is deeply depressing how little has changed since that time—

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): Your constituency has changed.

Mr. Mitchell: Indeed, but the situation in Burma has not.

As my hon. Friend the Member for Ribble Valley (Mr. Evans) said, debates such as this one matter outside the House. He spoke with great passion, as did others, about the importance of holding these debates. My hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) pointed out that the subject is of interest across all generations. I have visited sixth forms, as other Members will have done, and I know how right he is, because they care passionately about Burma and about dysfunctional regimes around the world which are repressing their citizens.

Although there is deep gloom in the House about the situation in Burma, there are also many heroes. One thinks of the almost impossible bravery of the monks and nuns whom we saw on our televisions in scenes that we had hoped had been dispatched to the last century. Their bravery was described with his customary eloquence by my hon. Friend the Member for Buckingham (John Bercow). While we salute their bravery, we should also mention the bravery of many others who are involved in trying to bring these terrible circumstances to a conclusion. I think in particular of Mark Canning, the excellent British ambassador who is doing such a good job in Burma, and Charles Petrie, the United Nations humanitarian and resident co-ordinator, who is making a difference in extremely difficult circumstances. Those two deeply impressive individuals are serving their country and the international community at this critical time for Burma. My right hon. Friend the shadow Foreign Secretary mentioned Zoya Phan, and my hon. Friend mentioned Ben Rogers, who does such good and dedicated work in the area with Christian Solidarity Worldwide.

The concerns expressed are many. They fall into three different but interlinked categories. The first relates to the extraordinary and acute levels of poverty that exist in Burma. It is a country of immense economic potential, with no external enemies, which has seen itself descend yet further into the mire of poverty while surrounding Asian countries have lifted hundreds of millions of their citizens out of poverty. In a report circulated today, the Save the Children Fund calculates that children in Burma face the worst poverty in Asia. We know that 50 per cent. of its children lack any form of primary education. Various statistics have been given on health spending in Burma, but it is a fraction of what is spent in surrounding countries, and 16 times less than what is spent in Thailand. If hon. Members cast their minds back to the television pictures of protesters in Burma, they will recall that the people standing behind the monks were not student activists but middle-aged women who traditionally carry the burdens of families coping in many societies. They could no longer provide for their families, many of which are now living in circumstances of near starvation or starvation in Burma.

Many hon. Members spoke about people who are classified as internally displaced. For most of us, that means refugees in the country itself. I cannot find the words to convey the sense of fury and outrage that I felt when I visited Ei Tu Hta camp and which we should all feel about the situation in the camps on the border. They should be safe havens. Often when people seek refuge in refugee camps, they do so in somewhere that is at least temporarily safe, but the camps on the border are not safe. The Burmese army is terrifyingly close, and the squalor in the camps—again, so eloquently described by my hon. Friend the Member for Buckingham and others who speak with authority having seen what is happening there—is truly horrific.

In that context, I am surprised and rather disappointed that the Government have not accepted in full the recommendations of the Select Committee on International Development's excellent report. Indeed, they have rejected the most important ones. The Committee called for the current aid budget for Burma of £8.8 million to be quadrupled by 2013. Conservative Members have been calling for that since at least May 2006. The Committee concluded:

> "This crisis-stricken country, which suffers from immense poverty and pernicious human rights abuses, received the lowest aid of all Least Developed Countries. We believe that this level of assistance is unacceptable...we believe that UK aid to Burma should be scaled up substantially".

We agree completely with the Committee's recommendation. If we are in government after the next election, we will implement that proposal in full and immediately.

Some hon. Members pointed to the level of aid in surrounding countries. I think that the hon. Member for Northampton, North (Ms Keeble) asked what it said about the priorities for British aid. It is interesting to note that compared with that £8.8 million, which was recently increased, Cambodia is receiving £12 million; Vietnam, a country that is storming out of poverty, is receiving £52 million from the British taxpayer; and China, which had a trade surplus last month of $24 billion, is receiving £40 million this year and, I think, next year. We do not think that that set of priorities is correct. We very much hope that the Secretary of State will look at them again to see what further assistance can be given to the people who are living in desperate conditions in the camps and to the other programmes that are being mounted, some of them by the British embassy in Burma.

John Bercow: I hugely welcome my hon. Friend's clear and explicit commitment to increase support. For the avoidance of doubt, may I tell him that there is no issue of capacity constraint? The Select Committee looked at the issues, took evidence, studied the subject in detail and posed the relevant questions. As far as cross-border aid is concerned and the funding of democracy organisations to boot, they explained to us just what they could do if we gave them additional support. There is no doubt or mystique about that whatever.

Mr. Mitchell: My hon. Friend is absolutely right. The Select Committee has produced an excellent report, compelling in its arguments for the reasons my hon. Friend makes clear. I urge the Secretary of State to look again at what more he can do to help.

Daniel Kawczynski: Russia, a rapidly growing country with huge oil reserves, has also received aid from the Government. Does my hon. Friend agree that the Secretary of State must look again at how international aid is spent so that countries such as Burma receive their fair share?

Mr. Mitchell: My hon. Friend makes a very good point.

That brings me to Aung San Suu Kyi and other opposition leaders, particularly from the students of '88. The junta is incredibly fortunate to be dealing with the leadership of the quality of Aung San Suu Kyi, whom Professor Gambardi found to be focused and committed. He said that she understood not only the political but the economic task ahead in Burma. My hon. Friend the Member for Ribble Valley talked about the students of '88 and I would like to mention Min Ko Naing, one of its leaders, who, along with others, has always opposed any form of violence. The junta is fortunate because these are clear leaders with a good vision of leadership who understand that one needs to look to the future and not to the past. They are not interested in revenge and retribution and they understand that it will be a complicated battle in Burma to get the military into its rightful position and the politicians into theirs. They understand that democracy will take time but that there has to be a road map to reach it—not the bogus one beloved of the junta, which will take something like 100 years to complete, but a proper road map that puts the military into its correct place. If one looks at the difficulties with the Darfur negotiations in Libya, where it is so difficult to get a leadership that can speak for the opposition, one sees that the junta in Burma is indeed fortunate.

The junta appointed Major-General Aung Kyi as the interlocutor with Aung San Suu Kyi. He is rated for his abilities and has clear influence within the regime, which means, we hope, that he will be able to open up the negotiations. As the Secretary of State has said, if these negotiations can take place and a road map is agreed—if the regime is serious—a huge range of things that the international community can do in those circumstances becomes a possibility.

Mr. Brooks Newmark (Braintree) (Con): My hon. Friend keeps focusing on the positive things that one can do with negotiation and providing extra aid, but does he agree that it is absolutely crucial that we use the international banking system to continue to put the financial squeeze on a regime that relies on dollars and euros to trade in oil, gas and gems?

Mr. Mitchell: My hon. Friend is right and I will come to that point. It is clear that international pressure has had some beneficial effect. In particular, China has been immensely helpful, engaged both in New York and in Burma, specifically in respect of Professor Gambari's visit. China is clearly deeply dismayed by the instability across its border in a country with 2.5 million Chinese nationals. Like others, I have been to see the Chinese ambassador to Britain, and the tactic of the Government and others of encouraging the Chinese to use their immense influence appears to be paying some dividends. We should welcome that.

Along with others in the House, including my hon. Friend the Member for Buckingham and the hon. Member for Ochil and South Perthshire (Gordon Banks), I am surprised that India, the largest

[Mr. Andrew Mitchell]

democracy in the world, has not felt it right to do more than it has done so far. I hope that the Foreign Office and the Secretary of State will do all they can to encourage the Indian Government to play a much greater role.

The role of Thailand has been mentioned. It is a key funder of the regime, not least through the purchase of gas from the Yadana and Yetagun gas fields, which is worth hundreds of millions of dollars to the regime, as the hon. Member for Ilford, South (Mike Gapes) made clear. Thailand, too, has a role and is escaping international scrutiny that should be directed towards it.

The UN can do more. As has been said by my right hon. Friend the shadow Foreign Secretary, the hon. Members for East Antrim (Sammy Wilson) and for Glasgow, East (Mr. Marshall) and my hon. Friend the Member for Buckingham, we think that the Secretary-General should make it clear that this matter is of such importance that he, too, will go there in the near future. We urge the Government to underline that point. We need a resolution requiring meaningful talks with the democracy movement and the sort of road map that I mentioned.

As numerous hon. Members have said tonight, we need a comprehensive and mandatory arms embargo. China, India, Russia, Serbia, Ukraine and ASEAN countries are suppliers of arms to this illegitimate regime and they should cease being so.

We greatly welcome the EU travel ban against Government Ministers and cronies that has been in place for some time, and the smart sanctions that are being devised and deployed against the junta leaders and their assets. That is an important development of sanctions policy, which we strongly support. We welcome the extension of sanctions to timber, logging, precious metals and gems. They are small areas of the economy from which the regime gains disproportionate benefit. It is right to target those areas with sanctions. They do work, as has been pointed out. Air Bagan, the internal airline—owned and run by the regime's number one crony, Tay Za—has had to suspend its operations to Singapore because its bank accounts have been closed down. The reason for that is that all banks have such strong links to the United States that the danger to their image and business of their continuing such banking arrangements is too great. That is an example of the international community working effectively to bring about sanctions that really do hit the regime.

John Bercow: My hon. Friend mentioned image, which is very important. Does that not underline the merit—if not the imperative—of naming and shaming companies that trade with Burma, because if they are publicly exposed they will have to calculate whether the ill-gotten gains are worth the damage from other quarters? They might judge that it is simply not worth it.

Mr. Mitchell: My hon. Friend yet again makes an extremely good point; it is relevant to the decisions made by the banking community that I have just described.

My hon. Friend the Member for New Forest, East (Dr. Lewis) was the only Member to raise tonight the interesting question of the International Criminal Court. In his speech to the UN General Assembly of 25 September, the Secretary-General said that

> "the age of impunity is dead."

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the shadow Foreign Secretary, has made the same point. In response to the crisis in Burma, the Prime Minister said at the Labour party conference that

> "the age of impunity in neglecting and over-riding human rights is over".

The Foreign Secretary said that the regime would be "held to account". The EU has called

> "for a thorough and impartial investigation of the deaths of demonstrators as well as other serious and continuous violations of human rights, and for those liable to be held to account."

In the light of those statements and the dreadful catalogue of gross violations of human rights amounting to crimes against humanity and war crimes in Burma, are the Government considering working with other Governments to request the UN—through the Office of the UN High Commissioner for Human Rights, the special rapporteur, or a commission of inquiry or other mechanisms—to carry out a thorough, complete and independent investigation into alleged crimes against humanity and war crimes, with a view to bringing a case to the UN Security Council for referral to the ICC? If so, what resources will the Government, through either the Foreign and Commonwealth Office or the Department for International Development, commit to enable such an investigation to be conducted properly? Does the Minister accept that it is essential that such an investigation is not limited to the events of recent weeks, but that it covers the full scale of human rights violations in all parts of Burma over many years?

All of us underestimate the power of the ICC in such circumstances—Members will remember the discussions that took place in New York last year with President Bashir of Sudan, which showed of what deep concern the workings of the ICC were to him and his regime. That enables us to make it clear—as the hon. Member for Ochil and South Perthshire and my hon. Friends the Members for Shrewsbury and Atcham and for Buckingham have made clear in the debate—that we will hold to account the individual soldiers who take part in brutality and repression in Burma today. Just as the regime is able to use photographs to identify the protesters, so the international community is able to identify the individual soldiers in the regime and make them accountable for their actions. We need to be clear that that is what the international community intends to do.

It is easy to be pessimistic about what has gone on in Burma and the likely course of future events, but I submit to the House that the events over recent weeks are different from those that took place in 1988. In 1988, it was a long time before we knew that more than 3,000 people had been massacred by this regime, but now, partly because of the internet, we are able to know what is going on in real time. Despite the efforts of the authorities in Rangoon, they have been unable to shut down the internet and we know what is happening.

This regime will not be able to put the cork back into the bottle. Protest might not come back on the streets in quite the same way in the next few weeks, but the junta has done huge damage to its power structure by attacking Buddhism. So many monks have been locked up and beaten that as, inevitably, they are released and trickle back into their community, there will be fury at how they have been treated. Indeed, over the past weekend, graffiti has been appearing on the walls in Rangoon saying "Than Shwe killer". That is an example of the change that is taking place in Burmese society.

Let the whole international community determine that this time things in Burma will be different. I want to end with a quote from the end of a good report just published by the Thailand Burma Border Consortium:

> "The military regime has committed crimes against humanity and systematic human rights violations for far too long, and the coping strategies of rural villagers are almost exhausted. A window of opportunity exists for change in Burma, an end to the primary causes of forced migration, and a new era of peace and justice. Burma's civil society has created this momentum, but the responsibility now shifts to the international community to ensure an end to the regime's impunity."

8.42 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): This has been an excellent and important debate. We have rightly heard a lot of anger and passion expressed, as well as concerns from both sides of the House and hon. Members from all parties pressing for change. Many powerful speeches have described the situation, none more so than those of the hon. Member for Buckingham (John Bercow) and my hon. Friend the Member for Ochil and South Perthshire (Gordon Banks).

My right hon. Friend the Member for Cynon Valley (Ann Clwyd) related this issue to what is happening at the Inter-Parliamentary Union, and that is enormously important, because parliamentarians across the world should be talking about this. Last week, I visited Singapore's Parliament and I was reassured to hear its parliamentarians asking their Foreign Minister many questions about the situation in Burma. I am also told by the Malaysian Foreign Minister, whom I met in the UK last week, that the same thing is happening in the Malaysian Parliament.

An instructive exchange took place last week at the UN General Assembly Third Committee. The special rapporteur on human rights in Burma, Sergio Pinheiro, gave an initial briefing on the recent crackdown and his assessment made for grim listening. In response, the Burmese delegation said that the country had returned to "normalcy." The truth, of course, is anything but that. Thousands remain detained in appalling conditions; despite the relaxation of the curfew, night-time arrests continue; and the show trials have begun.

This debate has been useful in underlining how strongly this House, and indeed this country as a whole, feels about the ongoing situation. It has sent a clear signal to the Burmese regime and the Burmese people that we will not forget and we will not turn away.

I pay tribute to the very many public campaigns, both here and abroad, that are keeping Burma high on the international agenda. A number of hon. Members have referred to them. The plight of the Burmese people has united people within the Government and across UK-based and global non-governmental organisations in an unprecedented way. It is vital that we keep up the momentum.

The hon. Member for Sutton Coldfield (Mr. Mitchell) rightly recognised the work done by our ambassador and his staff in Rangoon, and I, too, pay tribute to the enormously important role that they are playing. Many hon. Members on both sides of the House have a long and deep knowledge of Burma and the Burmese people. I have therefore not been at all surprised at the quality of analysis that we have heard tonight, and I will seek to respond to as many of the points that have been made as possible.

In response to the right hon. Member for Richmond, Yorks (Mr. Hague), I shall outline the next steps that we would envisage in a reconciliation process in Burma. The regime needs to establish a genuine process of national reconciliation, including maintaining regular contacts with Aung Sang Suu Kyi and her state-appointed interlocutor; releasing from custody key opposition figures, so that Aung San Suu Kyi can consult them; and fully opening the door to the UN Secretary-General's special envoy, Ibrahim Gambari, and allowing him to stay in the country as long as he needs to do so and, if he wants to, to establish a permanent presence there.

Hon. Members were right to identify that, although the vast majority of Burmese people are denied the most basic human rights, it is the ethnic groups, particularly those in the conflict and border areas, who suffer worst of all. The reports almost beggar belief: villages destroyed, women systematically raped, prisoners tortured, children forced into the army and civilians used as human minesweepers.

As my hon. Friend the Member for Ilford, South (Mike Gapes) said, any political process will need fully to involve those ethnic groups, which make up nearly a third of Burma's population. Their role will be as central to reconciliation as that of the pro-democracy civil opposition. They are unlikely to embrace any political agreement that does not incorporate the demands broadly shared across all 120 separate ethnic groups: the protection of cultural identity, the equitable control of natural resources and a degree of political autonomy at state level. Ensuring that the interests of ethnic minorities are properly engaged will be vital if stability is to be maintained in a democratic Burma. I had the opportunity to meet some Karen refugees in Sheffield on Friday when I was in my constituency, and I heard directly from them how they feel that it is important that their situation is recognised in any future reconciliation.

All of us, including regional neighbours, have genuine and understandable concerns about the future stability of Burma. We must acknowledge those concerns, and both the UN and the parties will need to take them into account in designing a genuinely inclusive political process. But at the same time, it becomes increasingly obvious that the status quo is unsustainable, so it should be ever more apparent that regional stability and prosperity is best served by a managed process of political reform in Burma. As Aung San Suu Kyi has acknowledged, the Burmese

[Meg Munn]

military will have an important, continuing role to play in a democratic Burma, given the likely challenges to internal security and nation building that will remain, but the military dictatorship must end.

Many hon. Members have, not surprisingly, referred to the roles of China and India—Burma's large neighbours—and the ASEAN countries. The hon. Member for Buckingham referred to the need for those concerns to be raised with counterparts at the highest level, and I should like to reassure him that that has been done. The Prime Minister has had an extensive personal involvement, talking to his counterparts in China and Indian. The Foreign Secretary has spoken to his counterparts. My noble Friend Lord Malloch-Brown has been to India and has spoken to his counterparts, and I have spoken to delegations from China, India, including a Minister, and Thailand, as well as from many ASEAN nations in the past week or two.

We believe that it is imperative that all countries in the region should turn the strong rhetoric, which is welcome, into concerted action. They should speak out against the regime, not offer the generals financial or other support and end arms sales and military co-operation. It is clear that, for ASEAN in particular, to turn a blind eye to such a repressive Government in its midst and in the year of its 40th anniversary would jeopardise the whole process of democratisation and the development of the region and damage its credibility.

The right hon. Member for Richmond, Yorks asked what Ministers sought to achieve by their visits to the region and to China and India. We want to continue to support the positive steps taken by Governments in the region and to point out that the UK considers the matter of the utmost importance. It will remain high on our agenda. Things must change; the Burmese regime must be brought to understand that it cannot continue as it has done. There must be a process of reconciliation and a move to a more democratic situation in Burma, and that needs to start now. We welcome the positive steps that have been taken and the positive statements that have been made, but they are not the end of the matter. More needs to happen and things need to move forward.

The right hon. Gentleman asked whether any UN computers with information about democracy campaigners had been seized. We have received no complaints or reports from the UN about the seizure of equipment by the Burmese authorities, but we would strongly deplore any such action.

Many questions were asked about aid and trade. I shall first respond to issues raised about the proposed financial support that we would put in place should the Burmese regime take the steps towards the reform process we want. I assure Members that the UK and the US share the same objectives on Burma—to bring about peaceful political change, the restoration of democracy, national reconciliation and full respect for human rights. The Prime Minister's suggestion arose from his discussions with other leaders about the need for a comprehensive approach to the crisis, balancing targeted pressure on the regime with a plan for possible economic recovery conditional on political progress.

We are giving the regime a stark choice. There can be sanctions and increased sanctions or the regime can take steps towards reform, which the international community might support with financial proposals. That is an appropriate approach. It is right that the regime understands that, as well as applying sanctions, we want to hold out an offer of progress should it take the steps that we all want to see.

Members spoke at great length about the aid provided by the Department for International Development. My right hon. Friend the Secretary of State set out the priorities in his speech and responded to interventions about the proposals. Members should bear in mind that, in 2002, the programme was £2 million and that over the past five years the amount has increased to £9 million, making the UK the third-largest Organisation for Economic Co-operation and Development donor. My right hon. Friend set out the expected increase over the next comprehensive spending review period. There will be a further CSR before 2013 and the International Development Committee has set out what it wants to see in that period. The current commitment does not extend to the end of the period.

John Bercow: Again and again, I go back to the issue of cross-border aid, support for democracy organisations and the need for explicit commitments in respect of both. This has been a very good debate, but as someone who has long admired, and continues to admire, both the erudition and intellect of the Secretary of State for International Development, may I point out that he should not underestimate the suspicion among some of the border aid groups and democracy organisations towards officials on the ground in Rangoon whom they regard as indifferent at best and hostile at worst? We need explicit commitments.

Meg Munn: I am informed that my right hon. Friend the Secretary of State for International Development admires the hon. Gentleman's erudition and intellect, too, and is happy to meet him to explore the issue further. Obviously, the whole House is concerned about the issue, and I am sure that we want productive and friendly discussions.

Daniel Kawczynski: The Minister says, in reply to our questions, that the budget has gone up from £2 million to £9 million, and will go up to £18 million by 2010 but, with all respect, that does not answer the question that many of us have put: why does Burma receive so little compared to comparable African countries?

Meg Munn: If the hon. Gentleman can contain himself, I was just coming to that.

Mr. Andrew Mitchell: I return to a point made by my hon. Friend the Member for Buckingham (John Bercow). At the proposed meeting, which will clearly be governed by feelings of immense affection on both sides, the Secretary of State will need to explain why the case that the Select Committee made in its excellent report is defective and why he will not accept it.

Meg Munn: I am sure that there will be plenty of opportunities for the Secretary of State to explore those issues in the meeting, and to discuss the matter with the Select Committee, as he rightly should. The environment in Burma is complex and risky, and there are significant limitations on the ability of potential partners to absorb funds. We work around central Government, so mechanisms for getting funds to schools and clinics are labour-intensive. We must carefully manage the risk that the regime will get undeserved benefits from our programme. Rigorous monitoring is also crucial. It is essential that we can show that our funds have an impact, that we maintain a strong understanding of the political context in which our projects work, and that we ensure rigorous transparency, so that communities understand where support is coming from. We have worked hard to build a strong relationship with opposition groups inside the country, and it is important that we retain their trust through our careful approach to the programme.

The increase that was announced is at a level at which we can be confident that funds can continue to be used and monitored effectively. The expansion of the team based in Rangoon from three to 10 members of staff will give us greater capacity to manage the programme and the risk. My right hon. Friend the Secretary of State for International Development is a listening Secretary of State—we have just been exploring that point—so I am sure that he will seek to respond more fully in a subsequent meeting.

Hon. Members raised the subject of UN action through sanctions, and the question of whether there should be a UN arms embargo. As hon. Members will be aware, an EU arms embargo is already in place. We judge that, at present, there is insufficient support on the Security Council for a UN ban, but we have been discussing the possibility with partners in New York.

Hon. Members also wanted to know about the position of the EU. I am grateful for their welcome for the steps taken so far and for the response from across the EU to the proposals that the UK wanted to introduce. The additional measures agreed on 15 October are welcome. The EU agreed, with strong UK encouragement, to consider additional measures if there was insufficient political process and engagement with the United Nations. Together with our partners, we will discuss when and how to draw up and implement such measures, including a ban on new investment. I have to tell hon. Members that that is a complex process.

As I will come on to say, we are starting to see some movement from the regime in Burma. We want that to continue, and ensuring the exact right amount of pressure and encouragement will be crucial to the process. I feel strongly that we have to manage the process carefully; we have to keep in close contact with people in the region, because as the hon. Member for Sutton Coldfield said, we must not miss the current opportunity. It is nearly 20 years since the demonstrations in 1988, and there has not been an opportunity like the present one to get the international community to move forward. Getting the process right, applying the right amount of pressure, getting the right people involved at the right time, sanctions and the threat of sanctions are enormously important. When I spoke to our ambassador in Rangoon this afternoon, he said that the threat of sanctions is sometimes sufficient to achieve movement, so we should not react too quickly, as we are beginning to achieve progress.

Mr. Evans: The Minister said that sanctions can be effective, and sanctions exercised on consumers' behalf against companies that invest in Burma can be highly effective. If British people knew which British companies engaged in trade or investment that supported that regime, they could bring sanctions against those companies. Why can we not be told which companies are involved?

Meg Munn: The hon. Gentleman anticipates a matter that I shall come to shortly.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con) *rose—*

Meg Munn: If the hon. Gentleman can wait, I should like to respond to the issue of overseas territories investment raised by the hon. Member for Cheadle (Mark Hunter). May I clarify the fact that the EU common position on Burma includes a ban on investment or the provision of financial services to certain Burmese state-owned enterprises and to certain sectors? That ban is in force in the UK and in British overseas territories. It is the responsibility of companies incorporated or constituted in British overseas territories to comply with the law. We have seen no evidence that investments covered by the EU common position have been routed through any of the overseas territories. The funds themselves would, in all likelihood, be held in bank accounts outside Bermuda or the British Virgin Islands, as relatively few Bermudan or British Virgin Islands-registered companies hold accounts in the territory.

Mr. Clifton-Brown: The hon. Lady has just answered the point I was going to make, so I am grateful to her.

Meg Munn: Hon. Members may come to learn that if they wait a moment, I may indeed answer all the points that they have made.

Dr. Julian Lewis: With luck, the Minister will tell me that I am anticipating a point that she is about to make. So far, she has not addressed the question of whether the Government accept that crimes against humanity have been committed, and whether they intend to do anything to follow up the suggestion from the Opposition that the International Criminal Court should be involved.

Meg Munn: If the hon. Gentleman can contain himself, I will come to that. First, however, I want to deal with all the issues raised about aid and trade.

The value of imports from Burma to the UK halved between 2004 and 2005. As the hon. Member for Cheadle said, in the six months to July 2007, UK imports from Burma were worth £17.1 million and exports totalled £2 million. Commercial confidentiality has been cited as a concern for the Department for Business, Enterprise and Regulatory Reform. Major exports from Burma include marine and agricultural products. As we discussed in relation to EU economic sanctions, we must be careful not to introduce measures that target ordinary producers in Burma. I can reassure hon. Members that the EU common position has resulted in an asset freeze on 380 regime leaders and members of their families. Those assets have already been frozen. UK investment in Burma is negligible, and the figures from the Office for National Statistics on active UK investment show that it is very low. Indeed, the ONS does not have any returns suggesting any UK direct investment as at the end of 2005.

Ms Keeble: On commercial confidentiality, all the companies that were involved in South Africa under apartheid were named, and all the reports submitted under EU regulations were open to public scrutiny. Plenty of information was provided that enabled people to boycott South African agricultural produce. There was no perceptibly adverse effect on the wider community, but there was a profound impact on the regime.

Meg Munn: I understand my hon. Friend's concerns, and, as I have said, our concern remains that we should have sanctions that target the regime without impacting on ordinary people. The amount in relation to the UK remains small. We are unaware of any major UK-based company operating in Burma. Our ambassador, in his 15 months at post, has not received a single statement of interest from a UK company about investing in Burma, and has come across no British firm operating there. This Government were instrumental in persuading the last two major UK investors, BAT and Premier Oil, to withdraw from Burma, and we have consistently discouraged UK investment.

Daniel Kawczynski: Is the Minister confirming to the House that if any British company approached our ambassador in Burma asking for help with trade with Burma, our ambassador would decline?

Meg Munn: I can confirm that we do not seek to give support to anybody who wishes to invest in Burma.

Mike Gapes: Can the Minister confirm that the Government are not encouraging British tourists to go to Burma, and that those companies in Britain who are still promoting tourism are doing so in a way that is not in the interests of the people of Burma?

Meg Munn: My hon. Friend raises another issue in relation to our contact with Burma. I know that there is considerable debate among a range of people as to whether it is appropriate to travel to Burma because that increases the contact with people and therefore reduces isolation and allows people to see what is going on, or whether it supports the regime. The Government do not support any tourism to Burma. We have made clear statements that are in line with the European position in terms of our contacts with the regime, and that is as far as I want to go in my answer on that.

The hon. Member for New Forest, East (Dr. Lewis) asked about the International Court of Justice and the International Criminal Court. Undoubtedly, large-scale human rights abuses are taking place in Burma. However, it is not yet clear whether those violations constitute genocide or crimes against humanity as understood by international law. There is therefore no current case before the ICJ, but we are in close contact with our international partners and the UN on this, and we will keep it under review.

There are some signs that the regime is beginning to feel the cumulative weight of international pressure. We saw fierce resistance to the Security Council statement and heard sharp complaints about increased international sanctions from the regime. As the hon. Member for Sutton Coldfield has already said, there have been problems with the internal airline, and I believe with one other airline, in terms of their ability to continue operating due to insurance and banking support. I am told that there is every indication that companies and businesses within Burma are themselves very concerned about the situation with regard to existing and threatened sanctions.

We know that Aung San Suu Kyi—as everybody has said, an incredibly brave and courageous woman—has been shown on state television for the first time in years, and the first meeting between Aung Kyi and Aung San Suu Kyi was a welcome, albeit partial and unproven, first step, as indeed was last week's announcement that the Burmese authorities would grant another visa to Professor Gambari and, for the first time, a visa to Professor Sergio Pinheiro.

More generally, we believe that in such a devoutly Buddhist society, the brutal and humiliating treatment of the monks and the desecration of religious sites has caused deep trauma across Burmese society, including within parts of the Government and military.

Faced with still greater international isolation, even those connected to the regime must realise that their own future, and that of their children, is ill-served by a group of ageing generals who are driving the country relentlessly into the ground. While much of south-east Asia advances into the digital age, Burma is slipping back into the dark ages. However, there is equally no doubt that if there is any relaxation in the pressure that we are exerting on the Burmese regime, it will take the opportunity to consolidate its hold.

If we do not see signs of genuine engagement in a political process, the UN Security Council will need to consider what further measures it must take. We have already begun discussions with our partners about what those might be, including the possibility of a UN arms embargo. There will be a hard balance to strike between maintaining consensus and agreeing the toughest action possible. At the same time, the EU is drawing up a list of further sanctions it could adopt against the Burmese regime, up to and including a ban on new investment should the regime fail to engage constructively with the UN.

John Bercow: Before the Minister sits down, will she do two things? First, will she commit to press for an EU-wide ban on the provision of insurance cover? Secondly, in view of the historical significance of securing a debate on the Floor of the House, will she take this opportunity to pay tribute to Yvette Mahon, Mark Farmaner, Anna Roberts and Zoya Phan—the latter may one day be a leader of Burma—because they and their colleagues at the Burma Campaign have worked tirelessly for years to achieve even the prominence that has now been secured for the issue?

Meg Munn: I assure the hon. Gentleman that we will talk to our EU partners about all possible appropriate sanctions that will have an effect on the regime, and we will certainly consider the matter that he has raised. I am happy to pay tribute to the people he mentioned. The role of those in the NGO sector, those in society and those in the House in continuing to keep the issue high on the agenda and in the public mind cannot be underestimated. It is only continuing to keep up the pressure that will give us any hope of changing a difficult and entrenched situation.

Today, the House has sent out a clear signal. We are watching and waiting. We will not forget the people of Burma, and the world will judge the regime by its actions.

Alison Seabeck (Plymouth, Devonport) (Lab): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

TAXES

That the draft Tax Avoidance Schemes (Penalty) Regulations 2007, which were laid before this House on 24th July, be approved.—*[Alison Seabeck.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

DIOCESES, PASTORAL AND MISSION MEASURE

That the Dioceses, Pastoral and Mission Measure (HC 998), passed by the General Synod of the Church of England, be presented to Her Majesty for Her Royal Assent in the form in which the said Measure was laid before Parliament.—*[Alison Seabeck.]*

Question agreed to.

PETITIONS

Hit and Run Accidents

9.12 pm

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I want to present a petition on behalf of my constituent Mrs. Catherine McDermott and more than 5,000 residents from my constituency and throughout South Yorkshire. The petition protests at the lenient sentencing policy for drivers involved in fatal hit and run accidents. Mrs. McDermott's grandson, Kyle, was killed in a hit and run accident in Mexborough last year.

The petition states:

To the House of Commons

The petition of Mrs. Catherine McDermott and residents of S. Yorks.

Declares that 7 year old Kyle McDermott was killed by a hit and run driver on 11/09/06. The driver had 2 previous convictions for drink driving but was sentenced to just 5 months in prison.

The petitioners therefore request that the House of Commons urge the Secretary of State for Justice to urgently review the current sentencing policy for this type of offence with a view to introducing much stiffer penalties.

And the petitioners remain.

To lie upon the Table.

Abortion Act 1967

9.13 pm

Mr. Peter Bone (Wellingborough) (Con): Some 7.75 million babies have been killed in this country since the introduction of the Abortion Act 1967. I do not believe that that was the intention of the original legislators. I therefore strongly support the petitioners and the petition.

The petition states:

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assemble.

The humble petition of Linda White and other residents of Wellingborough including the Parish of Our Lady of Our Sacred Heart Wellingborough sheweth

That they bear witness to the fortieth anniversary of the passing of the Abortion Act 1967 and appeal to Her Majesty's government, in its forthcoming review of the act, to seek ways of providing alternative support for families who choose to abort their unborn babies and to hasten the day when this terrible act is removed from the statute book.

Wherefore your Petitioners pray that your honourable House urges the Secretary of State for Health to introduce a bill to repeal the Abortion Act 1967.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Community Radio

Motion made, and Question proposed, That this House do now adjourn.—*[Alison Seabeck.]*

9.15 pm

Ian Lucas (Wrexham) (Lab): It is a pleasure to have the opportunity to discuss a subject close to my heart and those of many campaigners across the United Kingdom. I am sure that it is also close to the heart of my hon. Friend the Minister, who I am delighted is here to respond.

I am an enthusiast for community radio because it has a vital role to play in communities across the UK. It will have a particularly vital role in my own community of Wrexham, which you know particularly well, Madam Deputy Speaker, and in the community of north-east Wales; community radio is coming to north-east Wales in spring next year, when Calon FM, which has secured a community radio licence, will begin to broadcast.

Community radio is one of the Government's great success stories. It was introduced by the Communications Act 2003 and is now governed by the Community Radio Order 2004. Some 148 licences have been awarded under the community radio legislation and at present 85 new stations are broadcasting to provide services to their local communities. I believe that one, Sheffield Live, is beginning to broadcast today. I wish it all the best; I am sure that it will contribute hugely to its community.

I have always been a strong believer in local broadcasting. I well remember listening to Radio Newcastle as I was growing up on Tyneside. It contributed greatly to its local community. Local radio, particularly from the BBC, has a strong reputation for impartiality and quality of service. If it has a failure, it is that it does not extend far enough. Although, historically, BBC and commercial radio stations have provided valuable services in many communities across the United Kingdom, many areas were not covered by local radio. That was a major failing, which the 2003 Act sought to address.

The gap in provision can mean that a community does not communicate sufficiently with itself. We have seen the success of community radio in creating a forum for listeners, initiating discussion and debate, putting its finger on the pulse of local issues and creating great momentum in local campaigns. Community and local radio are particularly well placed to play such roles.

We are seeing a fracturing of communities across the UK; members of our communities often do not feel able to attend community meetings as they did in the past. Community radio can fill the gap that has begun to develop in certain areas. For example, gaps in local media are also beginning to develop in the commercial sphere. Commercial radio is becoming increasingly less local and the amount of time that a commercial radio station now spends on local broadcasting is shrinking. Although commercial radio still plays an important role, much more of its broadcasting output is nationally based and moving away from dedicated local provision. The disadvantage of that is that the type of localised contact that can be made through community radio is also shrinking.

Ironically, this is happening at the same time as a huge development of talent in the creative media sector. I speak with particular knowledge of my own community in Wrexham, where the technical advances that have been made mean that it is now much more possible for high-quality media work to be created. In colleges across the UK, high-quality broadcasting material is being produced on a large scale. The frustration for the people who are producing that work is that there is insufficient air time available for the public to receive that information into their homes. For example, Yale college, a further education college in my constituency, provides an excellent service to the local community and has recently worked with the BBC to produce a series of digital stories that are being broadcast mainly across the internet.

I am a great believer in oral history. One of the things that motivated me into getting involved in politics was seeing programmes of oral history on television. I particularly remember a series called "The 20th Century Remembered", with Fenner Brockway and Lord Boothby talking about their experiences. Local areas in the UK have very powerful stories to be told by local people. For example, I heard a digital story about Erlas hall in Wrexham, where the 90-year-old daughter of the last gardener at that hall, whose work ended in the first world war, talked about how she had known the garden in the past and how the community in Wrexham had been involved in it. That had previously been forgotten—a local history story had disappeared. As a result of her input, the garden is being recreated. I am anxious that that type of oral history can be communicated locally to local communities.

Chris Bryant (Rhondda) (Lab): My hon. Friend makes an important point about oral history. One of the extraordinary differences between an online presence and a broadcast presence for such a story is that when listening to a broadcast network, radio station, channel or whatever, one comes across things that one had not originally chosen to hear. That serendipity is half its significance, because it can challenge one's existing prejudices. Does he worry, as I do, that the BBC's strategy in terms of localising its news provision is always based on an online presence rather than on community radio, where that serendipity can be made possible for people?

Ian Lucas: I very much agree with my hon. Friend's observation. I worry, in particular, that many of the people who would be most interested in a story such as that about the garden at Erlas hall are from the older generation who are comfortable with radio, particularly local radio, but do not feel able to access the internet. I also take his point about the accidental discovery of programmes. I experience that all the time when I listen to the radio, in the car or whatever, and it can feel positive to receive information and knowledge that one does not expect. One can broaden one's horizons enormously by receiving information in that way.

I have cited one example of a local piece of knowledge being communicated locally. That is happening, but it needs to happen on a broader basis. Another matter on which community radio can have a great impact is local music. The Welsh Music Foundation has set up a novel project in Wrexham, which is a music studio created with the assistance of the local authority. Young people in the Wrexham community use it as a rehearsal room at a ludicrously cheap rate. Rehearsal time is being used up at the moment and I hope that it will continue to be used with great enthusiasm.

Really important and impressive bands are beginning to work and develop through those facilities. They are beginning to make an impact through the internet by communicating with other parts of the music sector. However, again, access to local radio, or radio provision of any type, is not immediately available. A community radio station with a varied output and an imaginative approach could facilitate access to the airwaves for bands that create good, positive music, which would increase the involvement of young people in their local community.

The benefits of local radio are social, creative and commercial. Local radio performs a valuable role as a forum for the exchange of information. Traditionally, that has been one of local radio's great strengths, but there is reluctance on the part of some of our established institutions to buy into the fact that community radio can contribute enormously to communication in a community. For example, local authorities are much too slow to take advantage of community radio, now and in the past. We have to examine the way in which we communicate with the people that we represent, and local authorities need to do that, too. Local authorities often produce leaflets that are unimaginative, propagandist and not particularly stimulating, and that is often the means of communication between local authorities and the people that they represent. Those authorities could benefit from investment in local community radio. If they want a public response to the question whether fortnightly bin collections are working, community radio would be a good way of getting it. That would be a good investment of public money—better, perhaps, than producing reams of local magazines that nobody reads.

We need to explore far more than we have before the creativity that community radio can produce. The imaginative aspect of good radio broadcasting can be extremely impressive because it communicates profoundly with listeners and is very valued, but there is a limited forum for such imaginative, creative radio output. I would like community radio to take a much more imaginative approach. It should focus on the local, but do it imaginatively. The quality of broadcasting generally, propped up by the genuine talent in the creative industry in our communities, could hugely benefit the people whom we represent.

There is a problem with funding community radio. Although the Government have done a great job in promoting community radio, the community radio fund could benefit from some expansion. Although I would dearly love the Under-Secretary of State for Culture, Media and Sport to commit to that this evening, I expect that that is a forlorn hope. However, community radio needs more money. I have suggested that local authorities could be a source of that funding because they should use the new opportunities presented by that medium to communicate better with their constituents.

I welcome the Welsh Assembly's recent commitment of approximately £500,000 to community radio funding in Wales. That is to be applauded. We need to consider exploring financial opportunities for community radio more widely.

I became a great local radio enthusiast because we do not have local radio in north Wales. Despite the fact that we benefit hugely from the BBC in many ways, a decision was made in the past that only one English language and one Welsh language radio station funded by the BBC would exist in Wales. We do not therefore have the special focus on local radio that exists in most parts of the UK. That big gap has taken some time to fill. I hope that community radio will now fill it. I accept that the BBC is entitled to make such a decision, but it frustrates me that my constituents in Wrexham do not have the benefit of a BBC local radio station when people in Shropshire, Stoke and on Merseyside all have such stations. If funding is to be made available in specific parts of the country for local radio, and the BBC is not prepared to provide it in other parts, a proportion of it should be given to others to fund radio provision. To use a dreaded phrase, I support top-slicing the licence fee when there is no local radio provision.

I value local radio provision. Community radio has a great future, but it must have sustainable funding. It can have broad funding or up to 50 per cent. commercial funding under the current rules, but it must have a baseline of funding and support. In my view, a proportion of the licence fee should partly fund that baseline when the BBC does not agree to provide a local radio station in a specific part of the country.

9.33 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): I congratulate my hon. Friend the Member for Wrexham (Ian Lucas) on bringing the important issue of community radio and community radio funding to the House's attention. I am happy that my hon. Friends the Members for Rhondda (Chris Bryant) and for Eccles (Ian Stewart) are present. They have both played their part in promoting community radio. My hon. Friend the Member for Eccles chairs the all-party group on community media.

As my hon. Friend the Member for Wrexham said, community radio has, in a relatively short time, established itself as a new tier of radio. Already, several people in the UK have benefited from having a community radio station in their area. Eighty-five stations are already on air, and a further sixty-three are preparing to broadcast, having secured a licence from Ofcom. We eventually expect around 200 stations across the country. I pay tribute to Sheffield, which goes live today, and we look forward to many other stations coming on stream.

Ofcom has stated a desire for a community radio station for every community that wants one. This rapid growth represents a fantastic achievement by all those involved with community radio stations. At the centre of many of the stations is a core of dedicated, enthusiastic people making a contribution to their local community. Many volunteer their precious spare time to do so. One of the attractions of the concept of community radio is that it is run by local people for local people.

I agree with my hon. Friend about the importance of giving creative work of a local nature a platform to prosper. My Department has been working with the

[Mr. Gerry Sutcliffe]

Arts Council to research the role that community radio could have in the creative industries. The findings of that research will be available shortly. Of course, these stations cannot be run on determination alone, and every community radio station must seek and obtain funding. I do not pretend that that is ever easy. That is why my Department has provided more than £1.5 million to the community radio fund during the past three years.

What is the community radio fund? The Department recognises that certain activities, such as media skills training, are more attractive to funders than bids for running costs such as management and administration. That is why we have directed the fund, administered by Ofcom, to provide support for the core costs of running a station, which are notoriously difficult to secure. As I have said, more than £1.5 million has already been awarded to community radio stations from the fund. That has taken the form of 79 grants made directly to stations by Ofcom. The feedback from the awards has on the whole been very positive, and has included such responses as

> "without the Community Radio Fund, the station would not have survived".

I am therefore pleased to confirm to the House that, following the comprehensive spending review, we have decided to maintain funding at the current level of up to £500,000 a year for each of the next three years. I hope that that is good news, and that it will be welcomed by the sector.

Ian Stewart (Eccles) (Lab): I chair the all-party parliamentary group on community media, which covers community radio, and on its behalf I welcome the funding. Without it, the sector would not exist. If the Minister accepts the argument put forward by my hon. Friend the Member for Wrexham (Ian Lucas) and by the all-party group relating to the value of the sector, he will surely understand that, although £1.5 million over three years is welcome, it cannot come near to the amount necessary to stabilise the sector for the future. Will he meet me and my committee to discuss these matters further?

Mr. Sutcliffe: I am grateful to my hon. Friend for the spirit of his intervention, which was really about how we are to sustain community radio. Obviously, I am prepared to meet him and his hon. Friends for further discussions. If those discussions cannot take place with me, perhaps the Secretary of State will attend to the matter in due course—

Ian Stewart: Or both of you?

Mr. Sutcliffe: Even both of us, if that is appropriate.

My hon. Friend is right to suggest that there are pressures on the fund. We also recognise that they are likely to increase as more stations come on air and become eligible to apply for funding. Ofcom will clearly receive more and more applications. Given such pressure, it is only right that we step up our efforts to find ways in which the fund might be used even more effectively in the future. That is why my Department is planning to seek views on the future scope and direction of the fund. That will take the form of a short consultation and may also include any proposals that Ofcom makes in its review of the first two years of community radio. As many hon. Members will know, we asked Ofcom to undertake a two-year review, reporting to us on how the sector was developing and how the criteria established by Parliament in the Community Radio Order 2004 were working in practice. Ofcom is due to make its recommendations to us shortly, and I look forward to seeing its findings.

We have established a framework for community radio, with the underlying principle that its services should be distinct from those of commercial radio. I believe that that is likely to remain an important distinction. Community radio stations should complement, rather than compete with, commercial stations. We will wish them to remain relatively free from commercial pressures.

It was for those reasons that the Community Radio Order included restrictions on the percentage of a station's revenue that could be received from advertising. We believe that that has helped to keep community radio distinct from commercial radio. Ofcom has been asked to review the details of those restrictions and others in the Community Radio Order. Only where it is appropriate and only where there is evidence would we be willing to consider bringing forward proposals for the modification or removal of some of the restrictions through a new order, which would, of course, be subject to consultation.

Alongside my Department's funding and any commercial revenues, the scope of community radio's potential contribution is so broad as to be able to support the objectives of a wide range of socially focused bodies. Research published by my Department at the end of last year showed how quickly community groups had been able to pick up on the opportunities presented by this tier of radio. Clear social gain benefits can, as my hon. Friend the Member for Wrexham pointed out, be found in areas such as training, work placement, volunteering, community relations, social inclusion and arts and culture. Many stations have developed to become community drop-in centres where radio is just one part of the services delivered.

There is little doubt about the potential that community radio has to benefit communities—for example, in providing opportunities for some members of the community who might otherwise be at risk of offending to develop skills. That is on the production side of community radio. On the listening side, there is the provision of information and entertainment to sections of the community that are often unengaged with other types of broadcasters.

It is that unique ability of building and sustaining diverse communities that can be of such great benefit in targeting potential funders. There are good examples of where some stations are already doing that. BCB 106.6fm, which broadcasts to part of my constituency, receives funding from a wide variety of sources, including the Home Office, local government through Bradford council, the Big Lottery Fund and the Department for Environment, Food and Rural Affairs. I hope that that model will increasingly apply.

Community radio is flexible enough to be of interest to us all. More importantly, it provides opportunities that, as we have seen with BCB, should be attractive to a number of public bodies in helping them to meet their objectives. It is for that reason that community radio can appeal to, and seek funding from, a wide number of grant-giving bodies. I agree with my hon. Friend that a range of bodies are potentially relevant. I am not too sure about issues surrounding the BBC, but perhaps we can look further into them in our discussions. I wholeheartedly agree with my hon. Friend's suggestion that local government should have a greater role in funding community radio. Indeed, officials from my Department and the Department for Communities and Local Government have recently met to explore that possibility, and my right hon. Friend the Secretary of State for Communities and Local Government is due to meet representatives from the community radio sector next month.

To conclude, my Department provides some funding, which at the moment is important in helping new stations find their feet—and that funding will continue. In the light of Ofcom's recommendations, we will consider whether we are targeting our money most effectively. As has been said, there are many other authorities and bodies that can work with and through the community radio sector and I welcome the opportunity provided by this debate to highlight again the sector's potential. Community radio can provide a new focus for our communities and I look forward to seeing a wider range of support, so that we can benefit from a thriving and sustainable community radio sector in the future.

Question put and agreed to.

Adjourned accordingly at seventeen minutes to Ten o'clock.

House of Commons

Tuesday 30 October 2007

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

ROYAL ASSENT

11.41 am

Message to attend the Lords Commissioners:

The House went;—and having returned:

Mr. Speaker *(in the Clerk's place at the Table)*: I have to acquaint the House that the House has been to the House of Peers, where a Commission under the Great Seal was read, authorising the Royal Assent to the following Acts and a measure:

Serious Crime Act 2007

Local Government and Public Involvement in Health Act 2007

Legal Services Act 2007

UK Borders Act 2007

Dioceses, Pastoral and Mission Measure 2007

Prorogation

Her Majesty's Most Gracious Speech

Mr. Speaker: I have further to acquaint the House that the Lord President of the Council, one of the Lords Commissioners, delivered Her Majesty's most Gracious Speech to both Houses of Parliament, in pursuance of Her Majesty's Command. For greater accuracy I have obtained a copy, and also directed that the terms of the Speech be printed in the Journal of this House. Copies are being made available in the Vote Office:

My Lords and Members of the House of Commons

My Government has pursued policies aimed at meeting the challenges which the United Kingdom faces at home and abroad.

A stable economy is the foundation of a fair and prosperous society. My Government has secured low inflation, sound public finances and high employment.

My Government has taken further action to provide strong, secure and stable communities, and to address the threat of terrorism.

My Government has put victims at the heart of the criminal justice system, supported the police and all those responsible for the public's safety, and proceeded with the development of identity cards.

Legislation has been brought forward for the next stage of reform of the criminal justice system, giving the police and local authorities new powers to protect the public from violent offenders and anti-social behaviour.

Legislation has been enacted to make it easier to prosecute organisations when their gross negligence leads to death.

Legislation has been enacted to improve the way that offenders are managed and supervised.

Legislation has been enacted to give law enforcement agencies new powers to combat serious and organised crime.

An Act has been passed to improve the administration of justice by reforming the tribunal system, the qualifications for judicial appointment and the enforcement of judgements.

An Act has been passed to reform the regulation and delivery of legal services to enable greater competition and innovation in the sector and to better serve the public and consumer interest.

My Government has worked, including with European Union partners, to deliver international action on climate security, and access to the sustainable and affordable energy supplies necessary for our prosperity and security.

My Government has published a draft Bill on climate change to create a long-term legal framework to reduce the United Kingdom's carbon dioxide emissions up to 2050 and beyond.

My Government has continued to invest in and reform the public services in order to improve further their effectiveness and to help the most vulnerable members of society.

Legislation has been enacted to simplify the benefits system for those whose health affects their capacity for work, to reform the welfare system, and to reduce poverty.

[Mr. Speaker]

Legislation has been brought forward to improve the system of child maintenance, and to provide assistance to people suffering from mesothelioma who are ineligible under the current scheme.

An Act has been passed to provide for long-term reform of pensions.

Legislation has been enacted to provide for free off-peak local bus travel anywhere in England for older and disabled people.

My Government's programme of educational reform has continued to raise standards in schools to help all children achieve their full potential.

An Act has been passed to reform the further education system so that it can better equip people with the skills that they and the economy need.

My Government has continued to modernise and reform healthcare – ensuring that patients get a better service – whilst retaining the founding principles of the National Health Service.

An Act has been passed to provide a better framework for treating people with mental disorders.

Draft legislation has been published to reform the regulation of human embryology.

A draft Bill has been published to tackle road congestion and to improve public transport.

My Government has published proposals to reform the planning system.

An Act has been passed to provide for improved arrangements for consumer advocacy and handling of consumer complaints against utility companies and estate agents.

My Government has also continued its programme of reform to provide institutions that better serve a modern democracy, and has worked to build a consensus on reform of the House of Lords.

My Government has published a Draft Legislative Programme.

Legislation has been enacted to provide for reform of local government and enhanced powers for the Mayor and Assembly for London.

Legislation has been enacted to create an independent board to promote and safeguard the production and publication of official statistics that serve the public good.

Other important measures have been enacted.

Members of the House of Commons

I thank you for the provision you have made for the work and dignity of the Crown and for the public service.

My Lords and Members of the House of Commons

My Government continues to work closely with the devolved Administrations in Scotland and Wales.

My Government has secured the restoration of devolution in Northern Ireland, and worked closely with the cross-party administration since May 2007. I am grateful to Lords and Members of the House of Commons for their essential contribution to this process in passing two Acts under emergency procedures and a Justice and Security Act for Northern Ireland.

The Duke of Edinburgh and I were pleased to pay a State visit to the United States of America in May 2007 to celebrate the 400th anniversary of the Jamestown Settlement. We were also pleased to visit the Netherlands in February 2007 and Belgium in July 2007. We were pleased to receive the President of Ghana and Mrs Kufuor in March 2007.

My Government remains committed to peace in the Middle East. It has continued to work to find a lasting settlement between Israel and the Palestinians based on two states existing alongside each other in peace and security, to support the new Iraqi Government in its efforts to build an enduring constitutional settlement, and to assist the Government of Afghanistan.

My Government has worked with the United Nations and European Union partners to prevent the spread of weapons of mass destruction, including addressing international concerns over North Korea and Iran, and to promote good governance.

My Government has worked to build an effective and globally competitive European Union and to strengthen the North Atlantic Treaty Organisation.

My Government has continued to contribute to a modern and inclusive United Nations and worked to achieve a new World Trade agreement.

My Government has maintained and strengthened its focus on Africa, and has secured increased international support for a resolution to the crisis in Darfur.

My Government has continued to work to foster a strong partnership between Europe and the United States of America in order to meet these objectives.

My Lords and Members of the House of Commons

I pray that the blessing of Almighty God may rest upon your counsels.

A Commission was also read for proroguing this present Parliament, and the Lord President said:

"My Lords and Members of the House of Commons: By virtue of Her Majesty's Commission which has now been read, we do, in Her Majesty's name, and in obedience to Her Majesty's commands, prorogue this Parliament to Tuesday, the 6th day of November, to be then here holden, and this Parliament is accordingly prorogued to Tuesday, the 6th day of November."

End of the Second Session (opened on 15 November 2006) of the Fifty-Fourth Parliament of the United Kingdom of Great Britain and Northern Ireland, in the Fifty-Sixth Year of the Reign of Her Majesty Queen Elizabeth the Second.

Westminster Hall

Tuesday 23 October 2007

[MR. BILL OLNER *in the Chair*]

Social Care Services

Motion made, and Question proposed, That the sitting be now adjourned.—*[Siobhain McDonagh.]*

9.30 am

Mr. Bill Olner (in the Chair): Before I call the hon. Member for Romsey (Sandra Gidley), I should say that a few Members have indicated their wish to speak, and I should like to bring in everyone if I can, so I ask those who participate to make their remarks clear and succinct.

Sandra Gidley (Romsey) (LD): I welcome the opportunity to discuss this important subject. I was moved to apply to debate the issue following the comprehensive spending review, but this is not a new issue—the hon. Member for Wyre Forest (Dr. Taylor) told me that he has been trying to secure a debate on it for some months.

A welcome 4 per cent. increase for health was announced in the CSR, which builds on the welcome investment of previous years. However, unfortunately, the settlement for local government, which is responsible for providing social care, was less rosy. The Secretary of State for Health provided further details in a recent statement to the House. He told us that the social care settlement is divided in two—the local government grant and direct Department of Health funding targeted at social care. The local government support grant will increase by £2.6 billion by 2010-11, but the Local Government Association estimated that it will cost an additional £2.682 billion simply to provide care for the increasing numbers of older people in the next three years. It also raised concerns that the additional funding could be taken up entirely by social care, despite the fact that many other services funded by the general grant are subject to financial pressures.

Direct funding from the Department will increase by an average of 2.3 per cent. a year to fund carers and the social care work force, but that funding is based on the idea that the situation will stand still. The LGA believes that the increases will not enable local authorities to meet the budget pressures that they anticipate for 2009. One south-east council claimed that, as a result of demographic and other pressures, expenditure will need to rise by 4.6 per cent. in real terms if services are not to be cut. That is a much greater increase than the CSR settlement allows for, however we might dress it up.

Many organisations have reacted angrily. Help the Aged claimed that there is not enough money in the Chancellor's provisions to take account of the growing needs of an ageing population. It also said that the settlement grant increase will be less than 1 per cent. in future years, and that that is below the growth rate of the vulnerable population and the likely rate of inflation in the cost of providing care.

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I am delighted that we are debating this matter, but will the hon. Lady make it clear, and put on the record, whether the Liberal Democrats would be committed to spending more money on social care than is spent at the moment and where she would expect any increase to come from?

Sandra Gidley: It is mischievous of the Minister to attempt to deflect the point. I am raising a serious point about the relative balance of money between health and social care. *[Interruption.]* If the Minister listened to my whole speech, he would hear some suggestions towards the end.

Age Concern has said that the increase in investment will

> "allow the current system to creak on in the short term".

It is interesting that both France and Germany spend more than double the amount spent by the Government on care for older people. The relatively lowly settlement has come against a background of significant pressures on social care. The Wanless social care review identified considerable funding shortfalls in the current system if it is to meet people's needs and forecast increasing needs in social care in the next 10 years, which will come as no surprise to anybody.

There have been significant pressures on social care services. The minimum wage, for example, caused cost pressures a few years ago, although I do not begrudge care workers the minimum wage; in fact, it is scandalous that some are paid so little for their valuable work. However, there is an increasing demand for more expensive, intensive care services, and the age of the population is increasing and more people are living longer. As a result, councils are left with some tough choices.

The biggest inequity surrounds the phenomenon of eligibility criteria. People might say that health care provision is a postcode lottery, but the biggest lottery in Britain is the postcode lottery for social care provision. Simply put, access to care depends on where a person lives, their income and their local authority's charging policy and eligibility criteria.

People's needs might be broadly categorised as critical, substantial, moderate or low. Local authorities must now ration care provision by raising the eligibility criteria. Despite the rising numbers of older people, the number of households that receive domiciliary care services has fallen by more than a quarter in the past 10 years. The LGA predicted that, by 2009, not a single local authority in the country will provide care for those with moderate needs. Many councils have already tightened their criteria and now meet only critical needs.

Services are also means-tested, and there have been steep increases in charges for people who access them. A Counsel and Care survey backed that up. It is almost impossible for older people to access support in the community if their needs are not severe. Two thirds of local authorities fund only substantial or critical needs, and Counsel and Care believes that the number of councils that restrict services in such a way will increase.

In 2007-08, 15 per cent. of local authorities further raised their thresholds and not a single authority has extended its criteria to become more flexible. Only 16 per cent. of local authorities continue to offer support services for older people with moderate needs, compared with a third as recently as 2006. Yet more worryingly,

[Sandra Gidley]

12 per cent. of local councils provide support only for older people with the most acute critical needs. Liberal Democrat research corroborates those statistics. We found that almost one in five councils has increased provision in higher-level categories since 2003.

Low-level social care is a thing of the past—the number of households that receive low-level care has decreased dramatically. As a consequence of the fact that care is delivered to fewer households, the proportion of households that receive only one weekly visit of two or fewer hours has dramatically decreased from 42 per cent. in 1992 to 17 per cent. in 2002—the latest year for which we could find figures. The funding of low-level care needs might be a cost-cutting measure in the short term, but it could store up problems for the future—it might benefit the state if a person is happy to stay at home.

Supposedly, the thrust of Government policy has been to treat people in their homes, which, for many, is a welcome approach. However, people often get to the stage at which they need help with some practical matters if only to keep on top of things. If a person does not feel that they are on top of the upkeep of their garden, for instance, and that they cannot manage as well as they might, they might become depressed and their mental health might suffer.

As the older person is not coping, there is a risk that they will become institutionalised at an earlier stage. Research has backed that up; it is not some wild theory that I keep expounding. Age Concern and Help the Aged have done quite a lot of research to examine the impact of withdrawing the type of service that I have described, and it has shown that continued independence can increase an individual's life expectancy and reduces the number of days spent in an acute setting or a care home.

Pressures have been even more acute over the past year, as NHS financial pressures have had a knock-on effect on social services. Even though the Government have tried to tighten up the continuing care criteria, there are still far too many cases in which there is an unseemly tug of funding between the health and the social care services. There is a feeling in many county councils that they had to take an unfair share of the burden last year and were funding services that should have been paid for by the health service.

In Hampshire, we faced particularly acute pressures. I have talked to officers in the social care services at the county council, who said, "Somebody had to pick up the bill for these people. We couldn't go on arguing, but we feel that we ended up bailing out the health service and spending money that we didn't really have."

How is all this working in practice throughout the country? In Hampshire, there was at one stage a proposal to restrict the eligibility criteria to critical and substantial needs. Understandably, that caused an outcry, and the council thought again about whether there was another way of doing it. It was portrayed in some ways as though things were then fine and those needs were being funded; but in practice, many people who had had a care package for some time suddenly found that they were reviewed. A stream of people came to my constituency surgery. They had had packages that fitted their lifestyle and seemed to help, but for no reason that they could understand, part of that package was withdrawn. I do not know whether other Hampshire MPs had similar experiences, but those people all came forward at once, and it seemed to be part of an overall picture. The good news was that everyone still seemed to get something, but clearly it was hard for those who had to take a cut in services and share the pain.

I shall cite a few examples of other parts of the country where similar things have happened. In Stockport, it has been estimated that, by 2020, 27 per cent. of the population will be over 85 and a further 21 per cent. will be over 65. Stockport has estimated that it provides some sort of support for one in four of the over-65s and for half the over-85s, so more rapid growth in the number of over-85s will have a disproportionate effect on the budget. Stockport also cited an increased demand for funding by people with learning disabilities and estimated the inflation uplift for the private sector to be 5 per cent. Again, the settlement will not cover that.

People in Bristol highlighted the fact that this is not just about elderly care. One of their huge pressures came from adults with learning difficulties transferring from school. Transitions were not being fully funded, which meant that an extra £500,000 had to be spent on top of other financial pressures. Bristol also raised the issue of supporting people. That was one of the Government's better ideas. It has been rather depressing and demoralising to see the funding for supporting people cut in recent years, so that people find it much more difficult to access support services. In Bristol, the budget has been cut by £3 million in two years—it is now £27 million—and the belief is that it will be further cut to £19 million.

In the royal borough of Windsor and Maidenhead, referrals for social care increased by 20 per cent. in 2005-06. Not only did that put extreme strain on the system, but the nightmare was exacerbated by the closure of 54 beds in local hospitals. We just cannot separate health and social care as we go into the future, because increasingly any changes in health services are having a significant impact on social care.

Somerset highlighted the problems with the number of people with learning disability increasing. It estimated that the rate of increase was about 35 people a year. That may not sound very much, but it equates to an extra £1 million a year having to be found.

This is not just about adult services; there are problems in children's social care, too. There is an increase in the number of children with complex needs, set against the overall context of a falling population of children and young people. Nationally, the prevalence of severe and complex disabilities among children aged five to 14 is projected to increase from 0.4 per cent. in 2001 to 0.76 per cent. by 2011. We are talking about children with very complex needs requiring very expensive and detailed care packages.

Wherever we look in the country, councils are highlighting a picture of overspend, health pressures and increasing financial pressures. The overspend is not occurring because councils are out of control; they have never had a better grasp on where the money is going and what the future demands will be.

I want briefly to mention failings in the way in which local authorities fund care homes. Local authorities are supposed to pay the going rate for care, but the going rate in many areas is significantly lower than the actual price of virtually all the care homes in the area. That is particularly so in my part of the country. Relatives are therefore routinely expected to make a top-up payment to fund the difference between what the local authority will pay and the actual rate. We have the perverse situation locally in which Southampton and Hampshire pay different amounts for care homes and nursing homes, so people in adjacent rooms in a home may be funded differently. That makes a mockery of the system.

In other cases, people did not need a top-up when they entered the home, but because local authorities have not increased fees in line with inflation, the homes often have no choice but to start charging a top-up. That is an increasing phenomenon and there is a perverse consequence of that underfunding. There is growing evidence that it is having a knock-on effect on those who fully fund their own care home place, as they are often charged a higher rate than people with equivalent needs who are funded by the local authority. Clearly, by any measure of fairness, that does not meet the criteria, and it desperately needs to be addressed.

Another aspect of the pressures is that carer support is being cut. Many carers say that they could cope much better and for longer if only they had a break occasionally, but respite care is often one of the first services to be axed.

A number of things clearly need to be done if we are to live in a fairer society. I contend that most councillors, whatever their political colour, want to do their best for the elderly and vulnerable people whom they represent, but that cannot be at the expense of other vital council services. We need to consider a number of issues in the longer term, set against the background of the ageing population and the increase in the number of people with complex needs. It might be helpful if the Minister, when he sums up the debate, says whether the Green Paper will address some of these issues.

The postcode lottery of eligibility criteria needs seriously to be examined. There needs to be a fully comprehensive assessment, taking into account the ageing population, the increasing numbers of adults and children with problems and the impact of housing build in an area. Often, local government settlements are on a per year percentage increase basis, and in the south of England, where we face acute pressures for housing build in the future, funding is very often not increased accordingly. That definitely needs to be considered.

The assessments should focus on the individual, not just whatever happens to be available as a care solution. Greater clarification is needed of what the NHS will pay for. I accept that the Government have made efforts in that direction, but the continuing care criteria are still far too open to individual interpretation.

We must address cross-subsidy in care homes and set a fair independent rate. The time has come for a serious look at how better to join up health and social care, so that people do not fall through the gaps but get what they need and deserve after a lifetime of paying into the system.

Several hon. Members *rose*—

Mr. Bill Olner (in the Chair): Order. Four Members have risen to take part in the debate. I advise again that I intend the winding-up speeches to start at about 10.25, so if Members can discipline themselves to fit into that timetable, I should appreciate it.

9.49 am

Ian Stewart (Eccles) (Lab): I congratulate the hon. Member for Romsey (Sandra Gidley) on securing this important debate. It strikes me that some of us were in this room last week debating health inequalities throughout the country, so we are clearly on a roll. Health inequalities and care inequalities are clearly foremost in our constituents' minds, and they should therefore be foremost in MPs' minds.

I rise not only to say well done to the Government—I do not mean that sycophantically—for their progress, but to carry out my responsibility to highlight issues about how the settlement has been allocated. We are approaching a three-year settlement, and I shall place on record for the attention of the Minister and the Government some of the issues for cities such as Salford, which is in my constituency.

> "We are facing unprecedented demographic change in this country, in common with other western societies. For the first time, this year there are more people aged 65 and over than 18 and under. We are also facing a steadily rising number of people with long-term conditions. The effects of obesity, smoking, alcohol and drug misuse, diabetes and conditions such as strokes and dementia all have an impact on individuals and families that increases their likelihood of requiring adult social care.
>
> One of the biggest growing sectors of the population is those over 80. We know that it is older people who are the biggest users of adult social care, and particularly those aged over 70. Once people are in their 80s, the incidence of dementia steadily increases, with one in five people suffering from some form. We also know that, due to medical advances, more children and adults are surviving with multiple disabilities, requiring high levels of social care services throughout their lives. As more and more of us come into contact with social care services as users, carers or friends, relatives or neighbours, we now expect much higher-quality, flexible and individual personalised services."

Those are not my words but the words of Anne Williams, president of the Association of Directors of Adult Social Services, in an address to the local government national children and adult services conference at Bournemouth last week. Although they are not my words, I identify with them, and I am sure that hon. Members present agree with them, too.

In her day job, Anne Williams is the excellent strategic director of community health and social care in Salford. Anne and Councillor Maureen Lea, the lead member for adult services, have assured me that relations with respective Departments are increasingly good and that partnership work with them is better than it has ever been, which is welcome. That is all the more welcome, because in Salford we start from such a low base. It is of concern that Salford is ranked 12th in the 2004 multiple index of deprivation. We are a paradox: Salford city council has been identified as one of the most improved councils in the UK, but at the same time it is struggling with the Government to build and increase care services from a low base.

Some people would call this subject boring, because we must refer to statistics, but it is important that we consider how the detail affects our constituents, so I make no apology for doing so. I shall address the issue of an ageing population. The Minister is, of course, responsible for all the areas of care, but I shall concentrate mainly on adult care today. I am sure that other hon. Members will cover the other areas.

[Ian Stewart]

Salford's population is predicted to increase, and with it both the number of older people and their proportion within the population will also increase. The population is projected to increase from 215,000 in 2008 to 218,300 in 2025, and all my comments relate to those dates. During that period, the number of people who are 65-plus will increase from 33,200, or 15.44 per cent. of the population, to 37,400, or 17.13 per cent. The number of over-85s will increase from 4,300, or 2 per cent., to 5,500, or 2.52 per cent. Some may not think those figures important, but the figures represent a staggering increase of nearly 30 per cent. in our 85-plus population. The picture is similar for older middle-aged people.

Mr. Ivan Lewis: Our interest.

Ian Stewart: The Minister has one of the most important briefs in Government. I have said that the matter is serious, but it is good to see that he has a sense of humour, notwithstanding that his comment from a sedentary position was based on fact.

The picture is similar for older middle-aged people, the percentage of whom within the population is projected to increase by 11.5 per cent. by 2025. The statistics might be dry, but they have clear implications for health and social care provision, as most needs increase with age, such as the need for sensory equipment, home care, residential care and so on. One in four people over 80 are estimated to have dementia. An ageing population will mean a shift in the type of provision needed and in the staff skills needed to deliver such care. Conversely, the number and proportion of younger adults in Salford is decreasing, which has implications for the availability of potential carers. We must pay particular attention to that. Some characteristics of an older population must be addressed.

Mr. Bill Olner (in the Chair): Order. Will the hon. Gentleman please bring his comments to a conclusion in order to allow others to speak?

Ian Stewart: Mr. Olner, the statistical approach is dry, but I assure you that it is important to recognise that the change in nature of our population and its needs is happening so fast and will have such an impact that the nub of the matter must be addressed.

I welcome the announcement by my right hon. Friend the Secretary of State for Health that we will receive an extra £2.6 billion. That is welcome, but we should accept that the current settlement system is unfair and that it works against those councils with residents in most need. We in Salford wish to build on the enhanced relationship with Departments and on the excellent progress made by the city council, but we need a fairer funding system.

I accept that the Minister is sincere in his passion to do better in his brief for residents across the United Kingdom, but I hope that he recognises that the system is not yet right. I hope that the forthcoming three-year funding settlement recognises that councils such as Salford wish to deliver the services needed by families in the area in a fair way. We need to ensure that the words "social justice" mean something. I know that the Minister wishes to do that, and I hope that he and the Secretary of State will ensure that the funding system is made fairer during the three-year settlement.

10 am

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow the hon. Member for Eccles (Ian Stewart), who spoke movingly about the challenges that confront his constituents. His constituency could not be more different from mine; his is an inner-city seat in the north and I have a rural seat in the south. However, the fact that we both face the same problems makes the case that the Minister needs to answer even more powerful.

I congratulate my parliamentary neighbour, the hon. Member for Romsey (Sandra Gidley), on securing this timely debate, as it is in the shadow of comprehensive spending review 2007. For some reason, the CSR will not be debated in the House—instead, we have rather more fragmented debates in Westminster Hall—but it sets the parameter for social services expenditure over the next three years.

More than half of those hon. Members who are here took part in a similar debate earlier this year in the context of residential care. Everyone who spoke in that debate made the point that social services were under extreme pressure. The right hon. Member for Oxford, East (Mr. Smith) said of this "complex and crucial" area of care that it was

> "under enormous pressure because of demand and constraints on resources even as they are increasing."—[*Official Report, Westminster Hall*, 17 January 2007; Vol. 455, c. 316WH.]

My hon. Friend the Member for Beverley and Holderness (Mr. Stuart) spoke about the problems in residential care, and my hon. Friend the Member for Eddisbury (Mr. O'Brien) spoke about the absence of a long-term strategy for funding care, a subject to which he may want to return.

In that debate, I asked for a step increase in funding for social services to eliminate its historical underfunding and a realistic baseline to be provided from which we could move forward. In his reply, the Minister—I welcome him again this morning—gently rebuked us for not noticing in the last pre-Budget report that

> "the Treasury identified social care as one of the great challenges facing this country and one that we have an obligation to address."

He went on to reassure us that

> "We are arguing forcefully—I shall not reveal the details in this debate—with the Treasury about the importance of a good settlement for social care under the comprehensive spending review."

He then said:

> "We need a new deal to reflect a new settlement in the demographic realities of the 21st century."—[*Official Report, Westminster Hall*, 17 January 2007; Vol. 455, c. 332-32WH.]

He was right. This morning, we have an opportunity to assess the Minister's performance, as set out in CSR2007, against those statements.

The average real-terms increase in public spending over the next three years in the comprehensive spending review is 2.1 per cent. Against that benchmark, who are the winners and who are the losers? The biggest loser is local government, at 1 per cent., narrowly below the

Home Office at 1.1 per cent. No way is that a good settlement. No way is that the new deal that the Minister held out earlier this year.

The third biggest winner, after the Department for International Development and the Cabinet Office, which are both small Departments, was NHS England. That disparity in treatment under the Government between health and social services underlines my point. Although the NHS has had a 90 per cent. increase in funding since 1997, if schools are exempted—they are now directly funded by the Government—local government has received only 14 per cent., and the largest service provided by local government is social services.

I understand the political imperatives. Ministers have direct responsibility for the NHS, whereas social services fall to local councillors. How tempting it must be for Ministers to pre-empt for themselves the lion's share of the CSR for the services for which they are accountable and let councillors take the rap for social services. It is understandable, but it is wrong. The extra 1 per cent. for the NHS, announced with a flourish by the Chancellor a fortnight ago, should, if one believes in joined-up government, have gone to the under-funded social service authorities rather than the NHS.

Ian Stewart: Does the right hon. Gentleman not accept that his comments, pointed as they are, would be more pertinent if we were starting from now? All the statistics that I and others have cited have been built up over the past 30 years. It is important to recognise that.

Sir George Young: I am grateful to the hon. Gentleman, who may have made a valid point. He might like to consider what happened from 1992 to 1997, and see whether there was a disparity then in the treatment of the two. I hope, in return, that he will extend the gentle criticism that I have made of his Administration, that there has been a disparity—in my view, an indefensible disparity—since 1997. Even the 4 per cent. comprehensive spending review increase for the NHS is aimed much more at hospitals than at assisting the NHS to move resources into the community. Had it been the other way around, one could have had a greater partnership with the county councils, who know the communities and have good links with them.

The Government have allowed adult services a growth of 1 per cent., but they expect councillors to increase direct payments, to invest in prevention so that people can remain independent, and to phase out the use of NHS accommodation for people with learning disabilities and to help them live independently in the community. Adult social services are struggling to cope with their current responsibilities. It seems a Herculean task to respond genuinely to the challenges that the Government have laid before them with such resources.

The Minister must know what is going to happen. As the hon. Member for Romsey said, eligibility thresholds will have to be raised, care will be rationed for the most vulnerable, preventive work will be cut back, and charges will be increased or introduced—and the council tax will take the strain. If the Minister believes that health and social services are key partners in the welfare state, he will know that they need to be given roughly comparable resources. If one needs help, one is not interested in whether it comes from social services or health; one simply wants the services to which one is entitled. Policy for the past 20 years has focused on breaking down the barriers between the two—promoting joint commissioning, joint assessment, and the rest. If they are to be key partners, they must be more equal. They both need to bring something to the table.

I shall pass over the demographic clock that is ticking in Hampshire, as it is in Eccles and elsewhere—the needs of young adults with learning disabilities coming up from children's services demanding and expecting large care packages, and parents with offspring with a learning disability who themselves are ageing.

Consultation is about to begin on the Green Paper. It will, of course, be important, as it will offer a potential overhaul of the funding of social care. However, it will not help during the next three years of the spending review. No additional resources have been added to help with the demographic pressure and the other pressures that are on adult services nationally. My county council will get less grant than others, because it is a floor authority; it will have to make economies in other services and raise the council tax to make up the difference.

I leave the Minister with a final question. Is that it? Will there be, at some point during this Parliament, an opportunity to revisit the three-year settlement announced for social services, so that we can get them a squarer deal?

10.9 am

Dr. Richard Taylor (Wyre Forest) (Ind): I, too, congratulate the hon. Member for Romsey (Sandra Gidley) on securing the debate. It is highly significant that we have heard from right hon. and hon. Members from the north and the south; we are now bang in the middle—the midlands.

I regard such debates as an opportunity to pass on advice to Ministers. I may not have a major party to make firm plans, but I like to think that what I say is taken seriously and that it remains in their brains for the future. My interest in the subject was kindled by a meeting with the chief executive of Worcestershire county council not all that long ago, when he made the stark statement that funding social care was the major problem now facing county councils. He went on to provide some of the figures purely for Worcestershire for people who are supported to live at home. The figures from 2002-03 to 2005-06 for learning difficulties, mental health, physical disability and older people have increased by 17 per cent. In 2005-06, 12 young people were moving to adult care; in 2006-07 there were 39 and in 2007-08 there are 43.

Other hon. Members mentioned an increase in the population over 65—in my county, a 14 per cent. increase over the next five years—and talked about the reasons for that, such as increasing longevity, the complexity of problems that it brings, including an increase in disability and dementia, and the fact that young people with serious illnesses can be kept alive longer.

Hon. Members who have been around for some time, like me, will remember that NHS hospitals 20 and 30 years ago were full of long-stay beds. Quite rightly, with innovative geriatricians, long-stay beds have been cut back dramatically, but shutting those beds has passed the problem from health to social care. The Select Committee on Health report on NHS continuing care,

[Dr. Richard Taylor]

in the parliamentary Session of 2004-05, drew attention to that in one of its recommendations when it said:

> "long term care responsibilities of the NHS have reduced substantially, and people who in the past would have been cared for in NHS long stay wards are now…accommodated in nursing homes",

which meant that there had been a shunting of the work without the funds.

Other hon. Members referred to the inequitable investment between health and social care. Although one welcomes tremendously the increase in health funding, that makes it more difficult for social services, because an increased throughput in the NHS is likely to increase the work load on social services as well.

Economies that my county council are putting in place hit older people in particular. Staffing is reduced, and the terrible vacancy factor effectively reduces staff. Things like meals on wheels and rapid response teams are being attacked. One specific example of that is the cessation of in-house benefits advice, which is being passed to citizens advice bureaux. The local authority is ceasing to pay the CAB for specialist mental health advice. That matter was brought to my attention in one of my surgeries by a mental health advice worker who pleaded on the part of one of her cases. She was speaking about an illiterate elderly gentleman looking after a schizophrenic wife at home. He could not understand the benefits and finances that he was allowed and was only managing because of the advice from this dedicated worker who will now be removed. The CAB will be lumbered with all this extra work.

I want to say a word on the Health Committee report on NHS continuing care. It contains a lot of clear recommendations, and I am delighted that one of those is that there should be clarity about NHS continuing care and NHS-funded nursing care. The national framework certainly addresses that, but, sadly, there has been no change as far as we can see in the Government's thinking about the unification of health and social care. One comment in the summary of the Health Committee report said:

> "The artificial barriers between health and social care lie at the heart of the problems surrounding access to continuing care funding. It will be impossible to resolve these problems without first establishing a fully integrated health and social care system."

At that time, the Government kicked that firmly into touch and responded as follows:

> "The divide between health and social care provision, and the basis on which it is provided, has stood since 1948. To dismantle this would be a fundamental and costly change to the structure of the welfare state, which would go well beyond the scope of this inquiry."

The Government seem to be pretty good at reorganising the health service and I would like to think that this matter will be mentioned in the Green Paper because it would make a huge difference.

We must continue to look for economies. I was delighted when the Secretary of State for Health remarked in one statement that the NHS better care, better value indicators were already producing some economies. The Disability Rights Commission feels that direct payments would be more efficient and better. With the health and social care regulator coming together, links forming across health and social care, and public health doctors being shared between health and social care, surely there is a move towards combining these things.

Finally, if one were to address health care rationing, which lots of people would like us to do, many people would think that cradle-to-grave care is one thing that should be funded, if we can make the economies on some of the unnecessary things by cutting them out with rationing.

10.17 am

Mr. Graham Stuart (Beverley and Holderness) (Con): It is a pleasure to discuss the funding of social care, which we did as recently as January. Many hon. Members who are in the Chamber today spoke then, as my right hon. Friend the Member for North-West Hampshire (Sir George Young) said. He put his finger on the central point, which is ensuring that the Government deliver on social care in the way that the Minister promised he would in January. It is worth repeating his words then, because I hope that he will address the matter. He said that he would be

> "arguing forcefully"

on

> "the importance of a good settlement for social care under the comprehensive spending review."—[*Official Report, Westminster Hall*, 17 January 2007; Vol. 455, c. 331WH.]

The question today, which has come from hon. Members from all parties, is whether a comprehensive spending review settlement that sees increases in social care spending that are actually a full 50 per cent. below the average across all government spending, as my right hon. Friend pointed out, and a full 3 per cent. less than the real increase in health care, in any way constitutes a decent and proper settlement for social care, given the pressures itemised by so many hon. Members today and on previous occasions. That is the nub of the issue, which I hope the Minister will address. I do not believe that that is a decent settlement.

My right hon. Friend made a persuasive argument as to why Ministers would separate social care, which is not their direct responsibility, from health care, which is, leading to a grossly disproportionate settlement on each despite the pressures on social care spending.

Mr. Ivan Lewis *indicated dissent.*

Mr. Stuart: If the Minister would like to intervene, I would be happy to give way. He is normally quick to do so.

Mr. Bill Olner (in the Chair): Order. If the Minister intervenes, that would give him less time to respond.

Mr. Stuart: It would indeed. As I said, I hope that the Minister will consider that.

Mr. Lewis: Will the hon. Gentleman give way?

Mr. Stuart: The Minister has got his thoughts together.

Mr. Lewis: I have two important things to say to the hon. Gentleman. First, for 18 years, was there not a separation of the amount of money that was announced for the NHS, vis-à-vis social care? Secondly, is his party committed to spending more money on social care than this Government have over the next three years, and, if it is, where is that money coming from?

Mr. Stuart: The Minister has one admirable quality, in many areas, and that is consistency. The Conservative party has not run the country for the past 10 years. With respect to the hon. Member for Eccles (Ian Stewart), who mentioned the fact that the basic system was set decades ago, this comprehensive spending review offered the opportunity, with the increase in spending by the Government, to set priorities between social care and health. What have the Government decided to do? This Minister, who promised in this Chamber in January that he would fight for a fair settlement for social care, has delivered a woefully inadequate settlement for social care, which is compounding the situation, where there have been increases in the thresholds for access to care.

Another key question to which I hope that the Minister will return is his assessment of the raising of the thresholds of access to social care. In the east riding, the fear and the feeling is that we will move to a stage where the only people who receive support from adult social care will be those in care homes and those at the most severe end of the critical band. That is the position that we are looking forward to, and it is the direct human result of the failure of the Minister to honour the promise that he made in this Chamber to get a fair deal for social care. If he does not accept the analysis of my right hon. Friend of why that failure has occurred, we need him to explain why it has happened, and not to make party political points about the past and the separation. They might have been in separate strands, but I believe it is fair to say that such a discrepancy between health and social care at a time of such need has not been seen before.

Ian Stewart: Will the hon. Gentleman give way, as he named me?

Mr. Stuart: I shall do so in a moment.

That has been in the context of how the Government have moved forward the policy agenda, in a way that has had broad support across the House, towards merging health and social care. They have taken forward the agenda, and I am happy to congratulate them on doing so, if the Minister is so desperate to have partisan point scoring and credit given. With the support of the Opposition, they have moved forward an agenda of integrating health and social care for exactly the reasons mentioned by my right hon. Friend: people should be able to access services in a seamless way that does not differentiate artificially because of departmental boundaries. We have supported that move and it is in that context that we have the discrepancy in funding between social care and health, and that becomes hard to justify, although we look forward to hearing from the Minister.

Ian Stewart: It is a bit rich of the hon. Gentleman to accuse others of party political point scoring. He just gave a tour de force in party politics and diminishes the argument for me. Does he not accept that we can acknowledge points in time during the process that have led to the situation in which we find ourselves, which most of us would like to see changed? The single biggest effect in my city of Salford was when a Conservative Government transferred care from the health service into the community. They did not set the structure up right, and we are now addressing that.

Mr. Stuart: The hon. Gentleman has had several goes, but unfortunately he has not developed his argument.

Ian Stewart: I am happy to have another go.

Mr. Stuart: The hon. Gentleman has had more than his share. He does not seem to have understood—or will not acknowledge—that the comprehensive spending review offers the opportunity to make a shift, or at least to ensure that social care gets the funding that it needs within an integrated health and social care system. That has failed to be done. That is not the fault of a Conservative Government that was last in power 10 years ago, or some other Government four decades ago. The opportunity was there for this Minister to deliver on his promise made in this Chamber earlier this year to get a fair funding settlement for social care. This Minister, this Chancellor of the Exchequer and this Prime Minister have failed to deliver on that, although the opportunity was there.

East Riding of Yorkshire council has been recognised as the top local authority in the country for its stewarding of financial resources. It has demonstrated its commitment to investing in adult social care services with a 6.6 per cent. increase in the adult services budget for 2007-08, significantly higher than most other council services. It has done so because of its commitment—a commitment that I wish that we could see from the Minister—to ensuring decent social care services.

Despite that increase, what is the situation in social care in our area? Because of the increase in the over-85 population in the east riding, which is an increase of more than 400 per annum over a six-year period, the council has had to conduct a review and has decided to remove provision for those with moderate needs. It has also had to put substantial needs into two bands and only those in the upper band will now receive social care services. That was before the comprehensive spending review and its woeful result for social care.

I hope that the Minister will answer my questions and accept that the settlement will lead to a year-on-year cut in adult social care services with an impact not only on the elderly but on those with learning disabilities to boot.

10.25 am

Greg Mulholland (Leeds, North-West) (LD): I want to start by congratulating my hon. Friend the Member for Romsey (Sandra Gidley) on securing this important debate, which could scarcely have come at a more pertinent time. We have had an excellent and interesting debate, which has shown that these issues apply up and down the country and in very different areas.

> "The current social care system is in crisis and needs wholesale reform".

Those are not my words, but a summary of the situation by Age Concern. We are all aware that we have an increasing number of older people in the

[Greg Mulholland]

population of this country, and yet a decreasing number of people are receiving social care. That is a decreasing number of people receiving care at home, which has fallen by a quarter over the past 10 years, and a decreasing number of care beds in care homes.

We have seen the recent comprehensive spending review, and my hon. Friend, and other hon. Members, powerfully—

Mr. Lewis: Will the hon. Gentleman give way?

Greg Mulholland: Let me make this initial point—hold your horses, and I will let you have a go.

The comprehensive spending review clearly has not delivered enough funds to this important area. Various hon. Members have made it absolutely clear that although the 4 per cent. increase in NHS funding is very welcome, the 1 per cent. increase in social care funding is simply inadequate. The reality is that the vast bulk of the settlement over the subsequent three years is loaded into the third year, but we have a crisis now.

The reality of social care in this country is that services are often of insufficient quality. According to the Commission for Social Care Inspection, only 79 per cent. of homes for older people and 72 per cent. of domiciliary care services meet national minimum standards. Compliance with some critical standards is even lower, as only 65 per cent. of homes for older people meet standards for recruiting staff and 54 per cent. meet standards for safe working practices.

My hon. Friend the Member for Romsey discussed the concern over recent years of local authorities' rationing care, a point that was also mentioned by the hon. Member for Eccles (Ian Stewart), and the worrying fact that the Local Government Association has admitted that by 2009 not a single local authority will provide social care any longer for those with moderate needs. If we consider those moderate needs—that is a euphemistic phrase—they are the sort of needs that every one of us, individually, would believe should be met for our older people. NHS continuing care does not reach a large majority of those who fulfil the eligibility criteria. Three out of five people, according to Age Concern's estimates, could miss out on care. We have heard powerful evidence about the postcode lottery, which clearly applies more in social care than in the NHS, which is where the media regularly raise it.

We have heard of the problems with the way in which care homes are funded by local authorities, with the issues of block buying and top-ups, where relatives have to find the difference between what the local authority will pay and the cost of care charged by the home. We have also heard the scandal of people who fund their own care entirely, paying a higher rate than those afforded by the local authority. We cannot allow that to continue.

Mr. Lewis: During the course of the hon. Gentleman's contribution, will he clarify the Liberal Democrats' policy on paying for social care?

Greg Mulholland: I shall be delighted to, and I shall come on to it when I finish my synopsis of care in this country.

The personal expenses allowance is £20.45 per week, which is supposed to cover toiletries, personal items and clothes. Can anyone here seriously say that that is enough?

Sandra Gidley: That £20.45 limit has been mentioned by a number of organisations. However, is my hon. Friend aware that residents of homes increasingly have to pay for extra services? Sometimes they are charged for things such as physiotherapy and expected to meet the expense using that money.

Greg Mulholland: My hon. Friend has made a valuable and important point.

I do not think that carers have been mentioned today. They do such an important job and save a huge amount of taxpayers' money, but, in many areas of the country, they do not have the right or even the option of respite care. I hope that the Minister will touch on that. Although most of this discussion concerns older people, my hon. Friend mentioned children with complex needs. It is important that we bear in mind the needs of all those with disabilities who require care.

Mr. Lewis: We have done a lot for them.

Greg Mulholland: The Minister will have his chance to contribute later. If he wants to intervene, he may, but I would prefer it if he did not chunter throughout my speech.

Mr. Lewis: In presenting these issues, why does the hon. Gentleman not say, during the course of his narrative, that the Government have just announced unprecedented investment in support and respite care for disabled children and their families over the next three years? Why has he missed that out of his speech?

Greg Mulholland: I asked the Minister to clarify what the Government are doing for carers. He has done that and, therefore, does not need to do so in his speech. However, if he wants to make more interventions, I suggest that he does so on the basis of what I am talking about.

On the 2006 Wanless review, the fear is that, once again, the Government are ignoring the advice that they sought, and that this will be Wanless-light, although we accept that the Government have not published their proposals yet—it is important that they say when they will do so. We fear also that the percentage that individuals will be expected to contribute will be considerably less than that proposed by Wanless, which is a real concern.

The other big issue that has been touched on today is the divide between health and social care, and just about every hon. Member has mentioned that today. We must seek to end this rather artificial structural divide. It is difficult to understand why someone who needs care gets it free in a hospital, but not in a care home, and we must address that. However, administratively, I am sure that we would all recognise that the divide causes inefficiencies and, sometimes, contradictions in what clearly are common-sense objectives shared by the two sectors.

Will the Minister comment on the situation in Northern Ireland, where those two sectors are combined? Also, there are examples of good practice, of which he will be aware, in Herefordshire and, most excitingly, in north-east Lincolnshire, where the new care trust system has been developed. We will watch those developments with interest. We need leadership from the Government, which does not necessarily mean a one-size-fits-all approach. Different local authorities need the ability to introduce different ways of integrating social and health care, and I am sure that we all agree that that is something that we should move towards.

The Minister asked me about the Liberal Democrats' position on funding. Do the Liberal Democrats believe that the Government have older people's care as a high enough priority? No! Do we believe that the Government's current spending plans are sufficient to deal with the crisis? No! Do I believe that the Government are letting down older people in this country? Yes!

Mr. Lewis: What is your policy?

Greg Mulholland: The Liberal Democrats will make older people a higher priority and invest more money than the Government.

Ian Stewart: I would follow the hon. Gentleman's argument better if he did not just criticise, but said specifically where the money would come from, and on what basis it would be allocated.

Greg Mulholland: We will do that when we publish our manifesto and our policy at the next election. Our policy at the last election was the right one for this Parliament, which has been shown to be the case. Our policy at the next election will be the right one as well, and it would deliver better care for older people than the current Government policy. Will the Minister lay out a clear timetable for the progress of reform, and tell us when we will see the Green Paper and when we can hope for the reforms to be implemented? This crisis needs to be addressed now, and I am afraid that that is not happening.

Will the Minister address concerns expressed by many leading organisations that the funding announced in the comprehensive spending review is weighted in the third year, when it is quite possible that he will no longer be a Minister and when we might not even have this Government? This seems to be a very slow and tardy response to what everyone agrees—including him, I am sure—is an immediate problem that needs swift and decisive reform.

Mr. Bill Olner (in the Chair): Order. That is a comprehensive list of questions to the Minister, which he will answer, if he has the time.

10.36 am

Mr. Stephen O'Brien (Eddisbury) (Con): I am pleased that the hon. Member for Romsey (Sandra Gidley) has secured this debate and congratulate her on doing so. The debate is a little unusual, however, given that she is the Liberal Democrats' spokesperson for this policy area—at least she was the last time that I checked—and certainly it is a rule within the official Opposition, as opposed to the opposition of her smaller party, not to seek to secure debates on our own subjects. But I shall leave that for the Liberal Democrats.

I am sure that Members on both sides of the House will support me when I say that the contribution of the Liberal Democrats in this debate, as in so many serious debates, avoids any rational approach to policy and costings and treats members of the public as though they have no memories. Let us consider what happened when the Liberal Democrats did something in this policy area in Scotland. Members will be aware of the long waiting lists and the funding shortfall that ran into tens of millions of pounds, caused by the Liberal Democrats, with the support of the then coalition Labour party.

Greg Mulholland: Will the hon. Gentleman give way?

Mr. O'Brien: No. The hon. Gentleman has only just had his chance.

In her speech, the hon. Member for Romsey studiously avoided that matter. I am referring, of course, to the fact that, on 31 October 2006, in this Chamber, during an intervention that I invited her to make, she, the Liberal Democrat's health spokesperson—

Sandra Gidley: Oh, this is so boring!

Mr. O'Brien: I am not surprised the hon. Lady finds it boring, because we keep on reminding her of this.

One must ensure that this is on the record, the veracity of which is attested to by the fact that I could not use this word were it not inscribed for all time on the pages of *Hansard*. In that debate, the hon. Lady admitted that she had said that her party's policy of free personal care was "dishonest". Furthermore, she admitted that dishonesty is the modus operandi of the Liberal Democrat manifesto writers. It is amazing that she said that. I hope, therefore, that the Minister will not spend too much time addressing the dishonest policy of the Liberal Democrats.

Greg Mulholland: So why are you talking about it?

Mr. O'Brien: I rest my case.

I hope that the Minister will now give a substantive response to the public's concerns about the future funding of personal care and, in particular, answer for his Department's and, arguably, his personal portfolio's abysmal showing in the comprehensive spending review. The rate of increased funding to the NHS has been reduced by the Government. I note the reduction in the above-inflation funding increase, from 7.5 per cent. for 2004-05 to less than 4 per cent. for the coming three years. We shall wait and see whether the financial control reasserted in the NHS, which continues to run a deficit of £911 million, is anything more than cosmetic.

Furthermore, what the Chancellor advertised as a 4 per cent., above-inflation funding rise amounts to no more than 3.2 per cent. when the Prime Minister's £2 billion cut to the NHS capital fund is taken into account. The Chancellor sought vainly to dismiss the Conservative party's prediction of an estimated 3.5 per cent above-inflation rate. It turns out that that really was a conservative estimation of the Government's cuts.

Financial pressure on the NHS is relevant to the debate. Throughout the sorry saga of the NHS deficit, local authority services have often borne the brunt of PCT cutbacks. In June this year, for instance, London councils alone identified extra pressures amounting to £22 million owing to front-line NHS cuts.

[Mr. Stephen O'Brien]

I shall turn to the direct social care aspects of the comprehensive spending review. The Government made three points, each of which I shall address. They were an increase in overall local authority funding, an increase in direct funding for social care and a Green Paper on long-term care funding. It is disingenuous of the Government to pray in aid the small increase in overall local authority funding—a trick that enables them to announce it many times over in each area of local authority spending. Further, Sir Simon Milton of the Local Government Association called it

> "the worst settlement for local government in a decade".

That point was powerfully demonstrated by my right hon. Friend the Member for North-West Hampshire (Sir George Young). A mere 1 per cent. increase is inadequate to meet the social services demand pressures, and it exacerbates the inequity between health and social care funding.

The Minister will no doubt tell us once again that direct funding from the Department of Health for social care for older people and support services for carers will increase by £190 million to £1.5 billion by 2010. It should be pointed out that that means an extra £32 million for 2008-09, an extra £88 million for 2009-10 and an extra £190 million for 2010-11, with no promises about what will happen thereafter. Will the funding be ring-fenced for services to older people and carers? Are the increases real or nominal? And, as my right hon. Friend said, is that it?

In the Department's press release, it said that the money would support personalised budgets, the provision of advocacy and information services and an increased focus on preventive services to support people to live independently and to help 3,000 people with learning disabilities to leave NHS accommodation and live independently. I was particularly intrigued by the first and last claims. On the first, it was my understanding that personalised budgets cost less, rather than more, to administer. On the last claim, will the Minister tell us, first, why it was not completed by April 2004—the target that was set in the White Paper, "Valuing People: A New Strategy for Learning Disability for the 21st Century"? Secondly, is the money distinct from the £175 million of funding that he announced on 9 August to take 1,600 people with learning disabilities out of campus accommodation? It is particularly important to note that the increase in funding in no way approaches the sums needed to deliver an effective and affordable solution to stop people selling their homes to fund their long-term care.

Tony Blair said in his 1997 conference speech:

> "I don't want them"—

our children—

> "brought up in a country where the only way pensioners can get long-term care is by selling their home."

Not only have the Labour Government failed to solve that issue, but they have failed ever to address it substantively. Does the Minister agree that the 2005 Labour party manifesto, which promised to

> "continue to provide healthcare free in long-term care establishments",

is another Labour broken promise and that it deserves from him similar opprobrium to that which the hon. Member for Romsey gave her party's manifesto claims? In doing so, the Minister must also acknowledge that our fully costed limited liability model at the previous election would have delivered a solution to the problem, that we were the only party ever to put forward a real policy on long-term care funding and that, perhaps, he could learn from us. It is a trend, and something for which he would no doubt gain great popularity with his own Prime Minister, because he seems to enjoy taking whatever policies he hears us put forward.

It would be helpful if the Minister considered what has happened in Kent, which has a Conservative-run county council. The Government's latest announcement contained a welcome U-turn on individual budgets, embracing health care and social care. Although it was clearly accepted that the Government have failed on social care in the past, the Secretary of State talked about a partnership model. The King's Fund report, however, made it clear that Kent county council had undertaken a pilot project on the partnership model and that it wanted to do further analysis. However, the report said:

> "In the end, Kent County Council found there was no appetite from either the Department of Health or the Treasury to fund further modelling on how such a scheme could be implemented, each department wanting the other to sponsor the work."

The recent social care announcements are for a 1 per cent. real terms increase in social care budgets in local authorities, the effects of which will be additional charges for adult social services in local authorities throughout the country and a forced increase in council tax. We need individual budgets and the greater efficiency that comes from them. Importantly, the Government should not dismiss the experience of Kent county council's pilot quite as off-handedly as they have done.

Will the Minister also explain his sad and—I dare say for him—bitter failure to secure anything substantive from the Treasury? He has spent the past 18 months giving the impression to parliamentarians, to stakeholder organisations—we have all spoken to them—and to the public that he will deliver a

> "new settlement in social care".

He said as much in January, as my hon. Friend the Member for Beverley and Holderness (Mr. Stuart) said in his very powerful speech. On 21 February, the Minister also told us:

> "We continue to negotiate with the Treasury to secure a fair and reasonable settlement as part of the comprehensive spending review."—[*Official Report, Westminster Hall*, 21 February 2007; Vol. 457, c. 98WH.]

On 6 March, he wrote:

> "We will assess proposals for the future provision of long-term care services as part of the long term vision of the comprehensive spending review 2007."—[*Official Report*, 6 March 2007; Vol. 457, c. 1940W.]

And on 17 January, he said:

> "We are arguing forcefully—I shall not reveal the details in this debate—with the Treasury about the importance of a good settlement for social care under the comprehensive spending review."—[*Official Report, Westminster Hall*, 17 January 2007; Vol. 455, c. 331WH.]

Further, will the Minister explain to the House what happened to the findings of the review of social care funding, which his predecessor, now the Minister for Borders and Immigration, announced on 30 March

2006? It was a transparent attempt to fend off the Wanless review, and in announcing it, the then Minister said:

> "The Department of Health will conduct a review of social care, starting from first principles on how social care is funded. We believe this is a once in a decade chance to undertake a fundamental review of social care costs.... This work will inform the Department's plans for social care funding, which will be submitted to the Treasury as part of the comprehensive public services spending review in 2007."

If it really was a

> "once in a decade chance",

where are its findings and why do we now need a Green Paper, as the Minister has had to announce, which will not have any impact until 2011—well after even this bottling Prime Minister will have been forced to the polls and these Ministers and this Government will be long gone? How long is the long grass into which they have kicked that vital issue?

Without the Minister's usual rant or statement that he will take no lessons from the Conservatives—after all, the Prime Minister has led the way and announced new policies that are all the result of lessons taken from the Conservatives—will the Minister tell us exactly why he has failed to deliver that which he has promised to the House and to the public?

10.47 am

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate the hon. Member for Romsey (Sandra Gidley) on securing the debate. It is rather bizarre that as a Front-Bench spokesperson she has secured a debate as a Back Bencher, and that there is a replacement Front Bencher, but do not ask me to explain the Liberal Democrats.

I also congratulate my hon. Friend the Member for Eccles (Ian Stewart) on the way in which he began his contribution. He is right that there is a major demographic change, not only because people are living longer, but because they are developing long-term conditions such as strokes and dementia. He was also right that disabled people now have long and full lives, which is a sign of progress in our society. He also raised the issue of people's rising expectations of care; they do not want, for example, institutionalised care, but care at home.

For the record, I shall discuss the investment that has been made, because we must ensure that we are clear about the context. Over the past 10 years, overall local government funding has increased by £28.4 billion or 39 per cent. in real terms. The Department of Health allocates a number of specific grants to the 150 local authorities with adult social service responsibilities in England, totalling more than £1 billion, and there is £68 million of capital grants for 2007-08.

The Department has also allocated £60 million for the partnerships for older people projects, £80 million for preventive technology and £60 million for extra care housing in 2006-07 and 2007-08. Since 1999, we have invested just over £1 billion to support carers' services. As a result, there have been major advances in the care that people receive. Under the comprehensive spending review announcement, local government will receive an average real-terms increase of 1 per cent. per year, which will be worth £2.6 billion a year by 2010-11. In addition, there will be an average increase of 2.3 per cent. in real terms per year for direct departmental funding of social care. There will be an additional £2.6 billion by 2010-11 for local government, and almost £200 million additional money for social care provided through the Department.

Mr. Graham Stuart: Will the Minister give way?

Mr. Lewis: I shall not.

I wish to make it clear that the settlement for the Department of Health, at 2.3 per cent., is higher than the average public sector growth of 2.1 per cent. That reflects genuine pressures in the system, and we need to continue to transform the service. The 2.3 per cent. real-terms settlement is in addition to the 1 per cent. settlement for local government, which is about meeting demographic pressures.

I agree with those, including the hon. Members for Romsey and for Wyre Forest (Dr. Taylor), who said that we need a more integrated approach between the NHS at a local level, local government, the voluntary sector and the private sector to create a more integrated health and well-being system in every community. We have made a number of advances towards achieving that, but we still have a long way to go. I point out to the hon. Lady that, in the next three years, the Government will invest unprecedented amounts of money in supporting disabled children and their families for respite care, key workers and transition planning. That has been warmly welcomed by the every disabled child matters coalition.

My hon. Friend raised a number of issues about inequalities in funding and so on. He also talked about the progress that his local authority has made, and I wish to pay tribute to Anne Williams and Maureen Lea for the leadership that they have provided in Salford, and to Anne Williams for the leadership that she is now providing nationally on adult social care.

On the partisan contributions made by Opposition Members, let us be clear that the Liberal Democrats currently do not have a policy on the subject, but they still say in their local leaflets that their policy is free personal care. The hon. Lady said on the record that that was a dishonest promise in their manifesto at the last election. It is completely duplicitous politics. Conservative Members talked of their policy on the funding of social care in their previous manifesto, but it is not their current policy. So the Conservative party does not have a policy on the matter either. Neither of the two Opposition parties is offering to spend more on social care than the Government are committed to spending in the next three years, and neither is committed to a Green Paper on the fundamental long-term reform of social care. That is yet another example of the Government facing up to one of the great challenges that this country faces in future health and well-being issues, which, as my hon. Friend said, is right at the heart of a socially just society.

Mr. Stuart: Will the Minister give way?

Mr. Lewis: I shall not; I am coming to the hon. Gentleman's points now.

The right hon. Member for North-West Hampshire (Sir George Young) contributes extremely well to making the case for social care, which of course I welcome, but he and the hon. Members for Beverley and Holderness

[Mr. Ivan Lewis]

(Mr. Stuart) and for Eddisbury (Mr. O'Brien) asked, "Is this it?" Let us be clear: we have a Green Paper committing us to tackling long-term reform; we have a local government settlement of 1 per cent. in real terms; and we have a high real-terms increase in resources through the money that the Department of Health will make available to local government to reform social care in the next three years. We shall announce the details soon, and hon. Members will have answers to all their questions about what improved services that funding will buy.

In addition to all that, the Prime Minister will announce next spring a new deal for carers, building on the record levels of money that this Government have invested in supporting carers in the past 10 years. On 1 October, the Government issued new continuing care guidance to ensure that primary care trusts do not shunt the costs of continuing care on to local authorities. For the first time, we have national guidance. As I have said, the Government are putting record resources into supporting disabled children and their families.

Sandra Gidley: Will the Minister give way?

Hon. Members: Give way!

Mr. Lewis: Hon. Members do not like to hear these messages, but they are going to hear them.

I also wish to mention the appropriate use of resources in the system. There is a local authority—I shall not name it, as I do not wish to embarrass it—that is spending £300,000 on setting up a television station, while it has increased the fees for home care by £300,000. Let us be clear: some decisions being made at a local level about what matters to people need serious scrutiny in relation to local authority prioritisation.

We must all ask why social workers are now spending their whole time as assessors and box tickers rather than doing social work with people. That is not required by any legislation that this Government have passed; it is a result of the community care legislation introduced in the 1990s. When did we ever say that just because people were self-funders, they should be left on their own to navigate the care system by choosing nursing homes or home care? We never said that.

It was this Government who introduced the deferred payment scheme, which means that no elderly person going into care has to sell their home. It is shameful that the Conservative party frightens elderly people by suggesting that old people have to sell their homes when they go into care. This Government changed that and introduced free nursing care, after 18 years when people had to pay for it.

Several hon. Members *rose—*

Mr. Bill Olner (in the Chair): Order. It is obvious that the Minister is not going to give way, so I would appreciate it if there were no further interventions.

Mr. Lewis: I want all-party consensus on the long-term funding of social care. That is the responsibility of grown-up politicians. We need a new system that redefines what the Government will fund through tax and what individuals are expected to pay. It must be fair and affordable. The current system is not right to meet the demographic challenges that my hon. Friend the Member for Eccles identified, but free care for all is not realistic either. Any politician who says that it is is misleading people. If we unpick the details in Scotland, we see that the system is not really free. Waiting times for services are rocketing, which proves that it is not sustainable, as the Scottish local authorities are saying. We are not wedded to any particular model at this stage. We genuinely want to open the debate to the public, and we want all parties to participate.

The hon. Lady asked what issues we need to examine. In trying to find a new system, we need to consider together what should be available to everybody, wherever they live, and what should be left to local discretion; which elements of the service should be for all, irrespective of their means, and which should be means tested, and what level of assets should trigger full or partial self-funding. Those are the big issues that we must face up to if we are to find consensus on a new settlement on long-term funding. There are no easy solutions or quick-fix wins, and there is nothing that would leave everybody happy and provide a system that is both fair and affordable.

In the new year, we shall announce the process for significant citizens juries and consultation in different parts of the country. We want all political parties to join in the debate and make a contribution, and then we shall produce a Green Paper. We will announce the time scale for that in January. It will identify for the people of this country the scale of the demographic challenge and the range of choices available for meeting it. We will then be clear about the choices that we face and the principles that should underpin them.

This Government are the first to prevent elderly people from having to sell their homes. We introduced free nursing care, and we are facing up to one of the great challenges that face the country. Despite the scale of the tight funding settlement across government, when the details are announced it will be demonstrated that the settlement for social care, to support personal budgets and a shift to prevention, will mean that we can make significant progress on the quality of services for elderly and disabled people and their families in the next three years. We will deal with the long term and put in resources in the short term, and there will begin to be significant reform of services in every local authority, so that carers and older and disabled people have the quality of support and care that they deserve in a civilised society.

UK Aid (Sudan)

11 am

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I very much welcome the opportunity to debate this important subject. On 10 October, I asked the Prime Minister this question:

> "Given the still extremely serious situation in Darfur, will my right hon. Friend explain what steps his Government took during the recess to support Security Council resolution 1769, as well as the wider peace agreement in Sudan, in order to ensure that humanitarian aid is delivered in desperate circumstances, and that this carnage is discontinued?"

He replied:

> "The combination of peace talks beginning in the next few days, and the possibility of an end to hostilities, gives us hope that this outrage—which has meant that 2 million people have been displaced, 4 million are in famine and a quarter of a million have died—can soon be brought to an end."—[*Official Report*, 10 October 2007; Vol. 464, c. 294-95.]

There followed a debate in Westminster Hall on 16 October, which was led by my hon. Friend the Member for Stroud (Mr. Drew), whom I am delighted to see here today. That debate highlighted the Foreign and Commonwealth Office perspective on Sudan, underlined by the fact that my hon. Friend the Minister for Europe replied. Today, I invite a wider debate specifically on aid and want to draw attention once more to the immense humanitarian problems that still exist in that unhappy region. It is right to seek to update the excellent debate on Darfur that we had on 5 June on the Floor of the House, but I wish to widen the debate to include the whole of Sudan.

A report received as recently as last week shows that the humanitarian crisis in Sudan is getting worse, with aid agencies suggesting that targeted attacks on their workers are at their highest since the conflict began. On 9 October, the African Union Mission in Sudan published a bulletin stating that, on 29 September, an AU peacekeeping camp was burned down, killing 10 African soldiers for peace. For reasons that I gave to the House on 5 June, aid agencies working in the region now understandably refuse to be quoted by name for fear of having their cover blown.

In a country of 35 million people, nearly 4 million in the Darfur region alone currently rely on aid. The activities there have been described as the world's largest humanitarian response. Nearly one in seven Sudanese people are in need of aid; that is equivalent to the population of Wales. Two million of those people are displaced and living in refugee camps, often in appalling conditions, and half a million cannot be reached by aid agencies. Two years of bad rainy seasons, particularly in the east of Sudan on the coast of the Red sea, have put even more strain on the fragile infrastructure of the country, with more humanitarian efforts having to take place in that region.

Implementation of the comprehensive peace agreement between north and South Sudan has been slow. Southern Sudan is potentially achieving four of its 20 millennium development goals, compared with 13 out of 20 in the north. Enrolment in primary schools in the north is about 60 per cent. compared with 20 per cent. in the south. Sudan is facing horrendous problems, and it is profoundly unacceptable that, when the international community seeks to offer assistance, its efforts are blatantly undermined by—there is no point in mincing words—the Government of Sudan. It is plainly outrageous that, while non-governmental organisations and aid agencies struggle to assist in refugee camps, they do so under conditions of aerial bombardment initiated by the Bashir regime.

There has been no absence of outright condemnation; nor should there be when men, woman and children are fleeing their homes, women are being raped as they gather firewood and emaciated children appear on our television screens. The case for international outrage is surely justified. Comparisons with Rwanda have been made. I do not for a moment seek to excuse what took place there, and I welcome the reconciliation, but that terrible scenario extended over 100 days, whereas the awful carnage in Sudan has gone on before our very eyes for something like five years.

What is to be done? A consensus seems to have emerged in the House that our humanitarian efforts should be matched by a diplomatic approach. I commend the efforts of my colleagues in the Department for International Development, especially the former Secretary of State, my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, and the current Secretary of State for International Development and his team. I particularly welcome my good friend the new Minister, who will respond to the debate. DFID is the second-largest bilateral donor to Sudan, having given more than £250 million in humanitarian assistance since April 2004.

It seems to me that the House believes in taking a two-pronged approach by stepping up humanitarian delivery and pursuing urgently the diplomatic route. However, I concede that that is far from easy. President Bashir seems to concede when the international community makes concerted efforts to put pressure on him, but carries on as before as soon as our back is turned. The only way to force real change, given the unacceptable intransigence of the brutal regime, is to exert pressure continually on every relevant issue. Parliament is the right forum for doing that in Britain. Without that pressure, the Sudanese Government will throw up obstructions at every opportunity. They will impose needless red tape, undermine NGOs, delay United Nations and African Union peacekeeping efforts and carry out aerial attacks on their own people. The truth is that the shame of the regime knows no bounds.

Many people have placed their hopes in the peace talks due to take place in Libya at the end of this month, but the considerable concerns about progress must be expressed. For example, those very hopes must have taken a severe blow when the Justice and Equality Movement, one of the main political players in Sudan, announced last week that it would not attend the conference because of the planned absence of other key parties. A spokesman for the group said that he would stay away unless the rival Sudan Liberation Army united its warring factions. Indeed, in the run-up to the talks, infighting between the warring factions in Sudan has led to the creation of many splinter groups. It almost seems that no one is sure who should or should not be at the table in Libya.

Will the Government continue to give their full support to the fine work of Ban Ki-moon, who is attempting to get negotiations off the ground? On that point, I received a letter from the United Nations High Commissioner

[Mr. Tom Clarke]

for Refugees this morning, virtually on my way to the debate. Its immediacy is extremely striking. It is able to give a far clearer picture, devastating as it is, of what is happening. I ask for the patience of my colleagues as I share some of the letter with them.

On UNHCR operations in Sudan, the letter states:

> "Sudan epitomises the complexity and intricacy of refugee crises in today's world. Whilst repatriation is ongoing to South Sudan, violence in the Darfur region in the west of the country continues to force people from their homes, the Eastern part of the country continues to receive asylum seekers from Eritrea, Somalia and Ethiopia, and up to 2,000 Palestinians may soon be resettled from Iraq to Sudan.
>
> The UN Refugee Agency has a network of 16 offices across Sudan, managing the return operation to South Sudan, supporting tens of thousands of refugees in one of the world's most protracted refugee situations in eastern Sudan, as well as providing protection and assistance to some of Darfur's two million internally displaced persons in the west of the country.
>
> UNHCR has welcomed the UK Government's funding of 1.2 million GBP for its 2007 operation in Darfur and Chad. However, further support from the international community is urgently required as two of UNHCR's largest operations within Sudan—repatriation in the South, and protection and assistance to internally displaced persons in Darfur—both face funding shortfalls."

Elsewhere, the letter deals with UNHCR operations in Darfur. It states:

> "UNHCR opened offices in…West Darfur, in 2004. In April this year, UNHCR responded to a request by the United Nations Humanitarian Coordinator and agreed with the Sudanese Government to 'scale up' its activities in west Darfur, which are expected to include south and eventually north Darfur.
>
> However, the general security situation in Darfur continues to be unstable, with recent reports of vehicle hijackings, temporary abductions and even killings of aid workers. The deteriorating security environment prevents UNHCR from accessing some displaced persons (the agency's current reach is about half of Darfur's two million displaced) as well as placing civilians at great risk."

A poignant paragraph—again, I appreciate the forbearance of my colleagues—states:

> "The plight of Darfur's internally displaced is extremely precarious, with the recruitment of displaced children"—

displaced children—

> "into armed groups a serious protection issue. UNHCR has continued to search for innovative ways of addressing this problem, including programmes to keep youths productively engaged and the separation of armed elements from refugees."

Given the title of this debate, I should like to refer finally to what the letter said about funding shortfalls. It states:

> "Unless funding is received soon, a shortfall of US$7.1 million in its 2007 Darfur budget of US$19.7 million may force the UN Refugee Agency to scale down protection and humanitarian aid operations in the conflict-ridden region. UNHCR is appealing to donors for immediate contributions. UNHCR is concerned that the lack of funding will soon have a direct impact on our operation to protect and assist some of the more than 2 million internally displaced persons…and thousands of Chadian refugees in Darfur, whose numbers continue to rise.
>
> Similarly, UNHCR is facing a critical shortfall of US$11.1 million for its refugee return and reintegration operations budget in South Sudan for this year."

I am grateful to my colleagues for their forbearance while I quoted from an extremely important letter. I believe that it shows the importance of the focus that we are giving to these matters today, and I am glad that the Minister is indicating that he agrees.

The UN and the African Union have committed a force of 26,000 troops for the task of peacekeeping in the region. That is an admirable and much-needed step forward in the process of getting aid into the region. However, although the force is due to reach its full complement of troops by December, it appears that diplomatic impediments have been placed in the way. As a result, there is now no clear timetable for having personnel in place to safeguard the aid agencies and their work, and, therefore, to help the 500,000 or so people who are unable to receive aid.

Another issue of enormous concern has recently come to my attention. A group called the Aegis Trust, to which the hon. Member for Buckingham (John Bercow) referred in the June debate in the Chamber of the House, has written to several hon. Members. That international genocide prevention organisation has highlighted cases of Sudanese people seeking asylum in this country who could be sent back to Sudan because the capital, Khartoum, is considered safe, even though it is plainly obvious that they would be in considerable personal danger.

The matter has been before the courts and is due to be considered in another place, but the other side of the coin is truly intriguing. Sudan's head of intelligence, Salah Abdullah, is seen by many as the architect of what they consider to be Sudan's genocide. He recently hosted an intelligence conference, which representatives from the United States, France and the UK attended. Indeed, Mr. Abdullah was recently invited to this country to receive medical treatment, and it was revealed by *The Guardian* that he later met unnamed officials. That was at a time when aid workers were putting their lives on the line and working with inadequate resources, including insufficient medication to meet the needs of the most vulnerable of the world's oppressed people. More than 10,000 people, mainly young, attended the charity concert for Darfur at the weekend. What would they have thought if they had known that their contribution had been so deeply undermined? The House is entitled to an explanation.

Let me be frank as we survey the carnage that clearly exists in Sudan. It did not come about by accident, and those responsible should be held to account. For example, the House knows that arrest warrants were recently issued by the International Criminal Court. Former Sudanese interior Minister, Ahmad Harun, and Janjaweed militia leader, Ali Kushayb, are wanted for war crimes and crimes against humanity in the region. Khartoum has refused to co-operate with the ICC and has said that it will not hand over Kushayb or Harun, who—would you believe it?—is now Sudan's Minister for Humanitarian Affairs. The ICC's prosecutor, Luis Moreno-Ocampo, has expressed his worry that Harun in his new position will not help the people whom he displaced.

Before the Minister prepares to respond to the debate, may I make a few points for his consideration? Many people are asking where we are with the proposed no-fly zone over parts of Sudan, and perhaps he would enlighten us. What are the Government's thoughts about the problems in neighbouring countries, such as the Central African Republic and Chad, which have had to deal with 235,000 refugees since the conflict escalated? What response have the Government made to the Sudan-UK investment organisation, particularly its letters to the Governments of India, Malaysia and Japan, which have close economic ties with the Sudanese Government? Those letters ask those states to make their economic relations with Sudan dependent on its full commitment to peace and security for the people of that country. What is the Government's view of the effectiveness of the European Union's response?

As in so many other regions of the developing world, we know that wealth-sharing is an increasing imperative in moving people towards genuine development, so I invite the Minister to take this opportunity to outline the steps that DFID is encouraging in this important matter.

In conclusion, I want to underline the importance of crucial diplomatic initiatives. Of course, a positive approach involves France, the United States and the UK speaking with one voice on this crucial issue, but there is another window of opportunity with the Olympic games in Beijing. In many ways, China could be the key to a permanent solution, especially with its desire to be seen in a positive light as the games approach. I was greatly encouraged during the debate in June, when I made that point to the then Secretary of State for International Affairs, who said that

> "at the Addis meeting last November…we reached the point where the Chinese representative said to the Government of Sudan, 'I think you really ought to accept what is being offered here.' The Sudanese Foreign Minister looked around the room and realised nobody else was supporting him."

The then Secretary of State continued:

> "That collective determination of the international community helped to get that agreement."—[*Official Report*, 5 June 2007; Vol. 461, c. 227.]

Unless the Sudanese Government change track, they are destined to be isolated and alone. The international community might have been found wanting in the past, but the future can be so different. Challenges and opportunities exist, and we should not flinch from our duty when the opportunity for peace and progress comes.

11.25 am

Mr. David Drew (Stroud) (Lab/Co-op): It is a pleasure to follow my good and right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke), and to have a second bite of the cherry, having had a debate last week with the Foreign Office.

I welcome the Minister, and the good news is that I do not intend to go over the same ground. I am sure that you would rule me out of order, Mr. Olner, if I did, because this is a different debate. However, I want to emphasise a couple of points that I made last week and to examine the funding situation. It is good to see the hon. Member for North-East Milton Keynes (Mr. Lancaster) here today. He accompanied me and the hon. Member for Richmond Park (Susan Kramer) to Sudan a couple of months ago when we saw the situation for real, and I want to make a further contribution as a result of that.

We are having this debate against a difficult background. I referred last week to the decision of the Sudan People's Liberation Movement to withdraw from the Government of national unity for a period. Various attempts at mediation are being made, but while the situation in Darfur is dire, the wider ramifications for Sudan of losing the comprehensive peace agreement must be understood in their full context, because they are deeply worrying. I hope that at the very least the Minister will tell us what efforts we are making to ensure that the comprehensive peace agreement is maintained, and that every attempt is being made to persuade the SPLM to return to the Government of national unity. That is an interesting concept, but it remains the only show in town, and there is no possibility of solving the Darfur situation unless we can keep the north-south dialogue on track. Given that the Darfur peace agreement is entirely reliant on the comprehensive peace agreement, we must understand how important this time is in the history of Sudan.

I make no apology for looking at the multilateral arrangements for funding, but as chair of the all-party group on Sudan I have nothing but praise for the way in which the Government have engaged with Sudan, and that includes current Ministers and their predecessors. When we took on the issue, we knew that we were in it for the long run and that it would be a rocky road. It has certainly proved to be so, but there is no evidence that the Government have reneged on their commitment and they have been asked to take on more responsibility, which they have done so willingly, knowing that the situation is difficult.

To put the funding situation into context, I shall give some of the background. When the original arrangement to proceed to the comprehensive peace agreement was put in place at the Oslo conference, some £5 billion was pledged. There is a downside to the international community's commitment, and the hon. Member for North-East Milton Keynes will remember that Riek Machar, vice president of southern Sudan's Government, put it to us fair and square that the international community had failed to deliver its Oslo commitment.

Again, it is pleasing that the British Government have kept to their commitment, but many other countries have yet to deliver the money that they promised. The international community has made a commitment, and if we are going to point the finger at Khartoum and Juba and argue that it is right for them to pursue peace, it is only fair that we keep our side of the agreement. However, we have failed to do so, which is lamentable, given that that will bring pressure to bear on the comprehensive peace agreement.

On the wider issue, it is fair to say that Sudan has been something of an experiment—almost a laboratory experiment—in the provision of funding, but no one knows whether that experiment will work. Part of the problem is that the situation is quite complicated in terms of what has been put in place and how it works or—dare I say it—does not work on the ground. There are three main funds—the multi-donor trust fund, the basic services fund and the common humanitarian fund. I will quickly go through what I think each of them does, although there is some questioning of them on the ground in the south, and I am sure that there will be some questioning when we get some peace in Darfur whether the right structures are in place and whether they have worked.

Seventy per cent. of the funding that goes into the south comes from the multi-donor trust fund. The fund largely concentrates on capacity building and focuses on larger projects; indeed, there is a de minimis level below which it does not become involved. Sadly, Vice-President Riek Machar strongly felt that the ratio of

[Mr. David Drew]

funding from the oil revenues that the Government of southern Sudan are beginning to receive and from the international community was two to one. He felt that that was the wrong way round and that there should be much greater commitment from Governments internationally.

One problem, as I said last week, is that 60 per cent. of the moneys from oil revenues go towards military expenditure, which is not helpful. Of course, we can define such expenditure in the widest sense to include policing, as well as soldiers. What is more, a lot of people have been under arms, and something must be done with them—we cannot pretend that it is not important to find ways to occupy them. However, spending oil revenues on such things is not a good start. Of course, the security situation in the south is difficult, as it is in other parts of Sudan, but spending 60 per cent. of revenues on military expenditure does not leave an awful lot for health, education and basic support. Like me, the hon. Member for North-East Milton Keynes will have been quite shocked by what he saw and by the insufficient level of provision on the ground. There are huge question marks about what is being done to improve the quality of people's lives. If it does not improve, people will simply question the comprehensive peace agreement, and the danger is that they will return to conflict.

The basic services fund simply cannot cope with the demand for basic requirements, such as new schools and health centres. Indeed, we saw a health centre, which was very primitive and lacked medicines. Furthermore, most people simply have no access to such centres. Given that people cannot receive basic health care, there is a huge question mark about whether they see their quality of life improving.

As one would suspect, the common humanitarian fund tries to do the absolute basics and to keep people alive by offering some protection and help. Very limited funds have gone into it. Some $279 million was requested for the work plan, but only 61 per cent. has so far been provided. Again, money has been promised, but nothing has been delivered by Governments, let alone on the ground.

As I suggested, such problems add up to a significant threat to the peace process. Those who have returned home with some expectation that things will be better have been sadly disillusioned. That cannot be acceptable to the Government in the south and certainly not, as my right hon. Friend the Member for Coatbridge, Chryston and Bellshill has said, to the Government in the north, whether that is the Government of national unity or the National Congress party, which effectively runs the north. That cannot be acceptable to the British Government, let alone to the wider community, and we must do something about it.

My recommendation is simply that we must ensure that the different funds work more efficiently and that they move money to where it is needed—to the people themselves. It is all well and good to ask for additional funding, and it is true that we need it, but the reality is that we need to put in place the funding that was promised. The message from the south, however, is that that has not happened.

Let me move quickly on to Darfur. Again, an awful lot of resources are going into the region, but they are not enough, and a lot more will have to go in as we gear up for the introduction of the force of 26,000 soldiers, who will need support. In the defence debate last week, I challenged the Secretary of State to say exactly what the Government are doing to provide logistical support. Understandably, he was somewhat careful—I will not say less than frank—in what he said. My right hon. Friend the Member for Coatbridge, Chryston and Bellshill must be aware that it will not be easy when that force goes in. The recent outrage at Haskanita made it clear what it is like in parts of Darfur and highlighted the bravery of the forces there--they are currently from AMIS, but will soon be from the United Nations African Union mission in Darfur. Given the level of anarchy in some places in the north, west and south of Darfur, those forces will be fighting all manner of different groups, which will make things difficult. At the same time, however, we must try to get the funds in to make people's lives better. Humanitarian support is vital.

While the bravery of the troops should, of course, be mentioned, as my right hon. Friend has said, the NGOs are working against an amazingly difficult background, and they deserve a lot of praise. There are always arguments whether the money should go directly to the governmental agencies in the region, both donors and recipients, or through NGOs, and that tension is always there. In reality, however, it does not matter, as long as the funds, the resources and the support reach people. Sadly, there are too many examples of when that does not happen, and that is largely because of the security situation, which is very difficult and which is not getting better, as my right hon. Friend has rightly said.

I ask the Minister to look at the funding mechanisms in the north and south under the comprehensive peace agreement to see whether they should be improved. How do we learn from the mistakes that have been made in the north-south relationship, so that proper funding can begin to improve the humanitarian situation when Darfur moves, I hope, to some form of ceasefire and when some attempt is made to impose a peace settlement?

As in last week's debate, I finish with a plea not to forget the east. Sadly, it is always left out of the situation. Our group did not get the chance to see it, because we were, as always, strapped for time. The problem in the east is that many promises have been made. People forget that the area around Kassala and Port Sudan is the poorest part of Sudan. It would not take much of a leap of the imagination to see how the rebel groups that have argued forcefully that they have lost out because of what has happened between the north and south could launch their own conflict. At the moment, they remain at peace, but they have Somalia and Eritrea as neighbours—hardly the most stable parts of the world. Issues about the funding mechanism arise in that context, as do issues about ensuring that Khartoum for once does what it has said that it will do and puts resources into the east to prevent a conflict, rather than trying to overcome a conflict once it has arisen. On that sombre note, I shall sit down, and I shall be pleased to hear what the Front-Bench spokesmen have to say.

11.41 am

John Barrett (Edinburgh, West) (LD): Sudan is cursed by some of the worst afflictions to which states can fall victim. There is not one problem, but a mixture. Everything that could go wrong has gone wrong there. I congratulate the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) on securing this important debate. With the continuing problems in Iraq and Afghanistan, the focus of the media has drifted away from Sudan, but the House cannot afford to let events elsewhere, however serious, push into the margins the humanitarian disaster that continues to deteriorate day after day in that country.

Before looking at UK aid to Sudan and what could or should be done by the UK Government and taxpayers to help those who are suffering, it is worth taking a minute to consider what the problems are, so as to understand how better to deal with them. To say that the situation is the worst humanitarian crisis on the planet is no exaggeration. What has caused the problem? Religious and ethnic tensions have existed between many tribes and communities, going back well into the past. Even before Gordon of Khartoum was there in the 1870s and 1880s, there was conflict in Darfur, a region that today is a byword for everything for which UK aid is urgently needed: poverty, malnutrition, lack of water and basic sanitation, and a desperate need for health care. Aid is needed to help to deal with infant mortality and to assist refugees within and outside its borders.

"Displaced people" is a phrase that we often hear to describe those who have lost everything but who remain in their own country. It does not sound too bad, but there are few things that could be worse, for those displaced people are often hungry, homeless, malnourished and suffering from a variety of illnesses that leave many too weak to survive. The scale of the problem is well documented. The chairman of the all-party group on Sudan, the hon. Member for Stroud (Mr. Drew), has been very eloquent in detailing the problems.

Climate change is one of the problems from which Sudan suffers that give rise to its need for a huge amount of aid. With the change in global weather patterns, farmers' and pastoralists' traditional land use is also changing, and in some areas it has developed into a battle for survival. We have heard about oil revenues. With the discovery and exploitation of oil, in what is for many a desperately poor country, there is money to fuel conflicts but not enough to feed the hungry. Corruption, as I have said before, and poor governance, are at the heart of the problem in Sudan. I am in no doubt that the Sudanese Government, who should be part of the solution, are in fact a major part of the problem. Arms are another problem. There are simply too many weapons available to too many people. Knowing that an automatic machine gun is required to protect their herd of animals makes potential killers of many farmers. There is also evidence of a flow of second-hand arms from neighbouring countries. Those are some of the factors that our aid, and the people in the front line, are struggling to cope with.

In a debate on UK aid and the Sudan, it is crucial at the outset to pay tribute to the dedication of aid workers and those with the task of delivering our aid on the ground. They risk their lives daily and some have already paid the ultimate price. The international community owes them a great debt. At a sitting of the Select Committee on International Development some time ago, during evidence from Save the Children, the execution of two of its workers was graphically described. More recently, others who have gone to help have also lost their lives. I want also to pay tribute to the work of the former Secretary of State for International Development, the current Secretary of State for Environment, Food and Rural Affairs. He worked hard and was often to be heard responding to debates such as this in this Chamber.

Since its independence in 1956, Sudan has known only 11 years of peace. Given that peace is a basic necessity for development and infrastructure building, the scale of the challenge for the people of Sudan and Darfur is considerable. Development will never succeed without good governance and peace. As hon. Members outlined, Sudan is one of the poorest countries in the world, with its per capita income languishing at the bottom of international tables. When the most recent millennium development goals report for Sudan was published in 2005, it painted a grim picture of South Sudan's progress towards the MDGs. Decades of marginalisation, conflict and insecurity, and lack of access to basic social services, have undermined livelihoods, increased levels of poverty, reduced opportunities and led to high rates of malnutrition. Two years on, in spite of many false dawns, all of those problems remain.

My hon. Friends and I strongly support the work of DFID in Sudan and Darfur. Sudan has rightly been a focus for the Department and its efforts. No one could fault the Government on their commitment to Sudan. Huge amounts of money are flowing into the country, including the south, as well as Darfur. However, unless tangible benefits are forthcoming, frustration will grow. Increasingly, there are questions about how much of the money is making its way through to the ground and to the refugees who need it most.

As to the comprehensive peace agreement, to talk about aid delivery in Sudan we must first talk about the conditions affecting peace there. Along with other hon. Members who are here, I was among those who welcomed the signing of the comprehensive peace agreement as a major breakthrough. However, despite all our hopes, less than two years on implementation is lagging. We are concerned that the international community has disengaged to a degree from getting it back on track. Any progress in Sudan will be hamstrung from the start if we cannot get the CPA to work. The Government rightly stress benchmarks and compliance as the key to sustainable peace in Darfur. They now need to do the same for South Sudan. Benchmarks are in place, but international bodies and Governments are not putting enough pressure on the parties concerned to ensure that they are met.

Transparency in the handling of oil revenues is also a vital component of the CPA. There are currently too many unanswered questions about exactly where much of the oil revenue is going. I am afraid that too little of it is apparently being pushed into basic service provision. I would appreciate the Minister's thoughts on the lack of transparency and on his Department's assessment of the scale of the problem with oil revenues.

Although the Government of Sudan need to do more to meet their commitments to the CPA, they are not the only ones: $5 billion was pledged at the 2005 donor conference, and yet only about $150m has been channelled through the Government or to implementing agencies. That is frankly not good enough, and I look forward to hearing from the Minister what the UK Government are doing to put pressure on other countries to live up to their promises. As the hon. Member for Stroud said, Sudan has become something of a laboratory for funding

[John Barrett]

mechanisms. We must look at whether those are working. Donors have set up a number of pooled funding mechanisms, including the multi-donor trust fund, the basic services fund and the common humanitarian fund. However, none has to date adequately dealt with the immediate humanitarian and short-term recovery funding that is needed in South Sudan.

Hon. Members will be aware that 70 per cent. of donor funding to the south is channelled through the MDTF, which is administered by the World Bank. However, the MDTF was not designed to meet immediate recovery needs, and I know from speaking to NGO representatives that in their experience the fund has been far from perfect, with recipients experiencing severe delays, confusion and frustration. Similarly, channelling funding through South Sudan's Ministries has also been very slow. I have real concerns that the Government of South Sudan simply do not have the capacity to channel so much centrally driven funding through the MDTF.

The DFID-instigated basic services fund was designed to plug a time-limited gap until the MDTF money was paid. However, two and a half years down the line, the BSF is the only major fund that NGOs, which are the main services providers in most cases, can tap into effectively. I commend DFID for setting up the BSF and for committing £17 million to it but, simply, it is not enough to cover the dearth of basic services in South Sudan. What plans are in place for funding NGOs in future?

The common humanitarian fund, which was set up to address humanitarian relief throughout Sudan, is overstretched. The fund is administered by the United Nations Development Programme, and UN agencies and NGOs tap into it for both humanitarian and early development purposes, but their requests overwhelm it—only two thirds of requests currently receive funding. Funding shortfalls and delays carry a considerable cost for intended beneficiaries, and such costs outweigh any efficiency savings gained from pooling resources. Clearly, there are problems with the current approach. What assessment has the Department made about where we go from here? We must recognise that a significant increase in funding is likely to be necessary in the future to provide basic services as long as the MDTF continues to struggle.

Sudan is a prime example of a country in which conflict has destroyed the education system and rid children of a chance to go to school. There has been a severe shortage of aid funding and teachers since the conflict began. For many, learning takes place under trees or in thatched huts. When I was in Sudan, I witnessed first hand massive classes taking place outdoors under the burning midday sun. There was no running water for the children, and they had hardly any learning materials at their disposal. The result is that fewer finish primary school, especially girls. I commend the work of Save the Children for highlighting that injustice. For Sudan to progress, education provision must be adequately funded, in particular in South Sudan, which must avoid producing a generation of illiterate youths. Although enrolment has increased in recent years, three quarters of children have no access to education. In that regard, marginalisation of girls and young women has serious implications because it reduces women's opportunities to participate in all levels of government and civil society. I would appreciate it if the Minister would comment on that. Is he aware of how much the South Sudan Government spend on education compared with defence? Right hon. and hon. Gentlemen will, like me, have seen reports that defence spending has reached a high percentage of GDP, and education spending might be suffering in comparison.

On health, one child in four dies before the age of five, and the lifetime risk of a woman dying in pregnancy or childbirth is one in nine. That is an outcome not only of poverty and insecurity, but of inadequate health services. There is currently only one doctor for every 100,000 people, primary care facilities lack drugs and equipment, and there is virtually no obstetric emergency care. Those problems are compounded by the fact that fewer than one third of the population have access to safe drinking water, and by the prevailing poor hygiene and sanitation practices.

I have seen the great work that Médecins sans Frontières does on the front line. I shall not forget hearing about what young nurses deal with on a daily basis in both the south of Sudan and in the Darfur refugee camps. A significant amount of aid has gone to support them and they do a magnificent job—many of us are stunned and impressed by their work.

The right hon. Member for Coatbridge, Chryston and Bellshill mentioned that some bigwigs fly to use UK hospitals. Does the Minister know what is going on and will he say what the Government's policy is on that?

Mr. Bill Olner (in the Chair): Order. I hope that the hon. Gentleman will bring his remarks to a conclusion soon, because I want to give the Opposition spokesman and the Minister plenty of time to reply to this important debate.

John Barrett: Thank you, Mr. Olner. I shall conclude my remarks shortly.

Aid workers in Sudan's Darfur region come under increasingly savage attack, but I shall not say more on that because hon. Members on both sides of the House are well aware of it.

The debate is entitled "UK Aid (Sudan)". The aid comes from a number of sources, but it is mainly paid by the UK taxpayer through DFID. The people of the UK, including my constituents and people throughout Scotland, are generous, but there is another aid budget—that of the Scottish Government. Their aid budget has doubled since the May elections, and it would not be proper to exclude it from the debate. If the Minister is in discussions with the Scottish Government, will he ensure that their aid and that provided through DFID works together to maximise its impact? The Scottish Government have raised a number of issues. They would like to spend aid money within the UK, but they have never mentioned Sudan. They have mentioned the doubling of their aid budget, but to my knowledge they have not mentioned aid to Sudan.

Most debates on Sudan in recent years have centred on the problems of Darfur, so it has been good to look at the wider issue of aid to Sudan, because many areas are at risk, as there will be in future. I am optimistic by nature, but one of the few places to defeat my optimism is Sudan. There is one simple reason for that: the

Sudanese Government. Most other countries that struggle to cope with disaster—I exclude Zimbabwe—have a Government who work towards a solution. That is not the case in Sudan. Until something changes, I fear that no matter how much aid is poured into the country, the problems will persist. There is no alternative but to continue to work for change at all levels, but that will take time. Unfortunately, time is the one thing that many of those who most need help to survive do not have.

11.56 am

Mr. Mark Lancaster (North-East Milton Keynes) (Con): May I say what a pleasure it is to serve under your chairmanship, Mr. Olner? Some six years after the event, I have just about come to terms with your election victory in 2001, even if I remain convinced that there were 7,500 or so Conservatives who, had they voted, would have made things rather different.

I congratulate the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) on securing this important debate. His reputation in the field proceeds him and, in a wide-ranging speech, he demonstrated his commitment to and knowledge of the issue. It is a pleasure to follow my friend the hon. Member for Stroud (Mr. Drew), with whom I enjoyed enormously a trip to Sudan this year. He is widely recognised as the House expert on Sudan and demonstrated his knowledge on our trip. I am sure that he will join me in offering thanks to Chris Milner, who works in his office, for the wonderful job he did to organise our trip. I am also pleased to follow the hon. Member for Edinburgh, West (John Barrett), who covered much of the ground that I wish to cover, as is often the case in such debates. He outlined eloquently some of the key problems in Sudan.

As the hon. Member for Stroud mentioned, I returned from a trip to Sudan with the all-party group recently. Although I did not have time to travel to every region of the country—I went mostly to the capital and to South Sudan—I saw a fractured society, a creaking political structure and unchecked militias. The international community is giving its all in an effort to resolve the various internal crises; but ultimately, it is struggling to make much progress.

I wish to mention briefly two key issues: DFID's involvement in Sudan and, time permitting, some of the different geographical crises and their impact on aid delivery. I commend the Minister and the Department's continuing commitment to Sudan. I shall certainly not criticise DFID for the monetary aid that it gives to Sudan. As was mentioned, the figures suggest that, since April 2004, DFID has given more than £250 million in humanitarian assistance to Sudan, of which £145 million was directed to the Darfur region. Sudan is the third largest recipient of bilateral aid from the UK, which is the second largest donor after the United States.

The budget for 2007-08 is £110 million, £67 million of which will fund humanitarian work and £40 million of which will in turn be channelled through the UN-administered common humanitarian fund. The remaining £27 million will be used to support NGO programmes, mostly in Darfur. With that in mind, I ask the Minister to outline the priorities for the common humanitarian fund and the measures in place to ensure that the UK taxpayer is receiving value for money. Can he also offer a breakdown of which NGO projects are being funded and where?

Although we can see that the input of financial support is considerable, my concern is exactly how we are measuring the success of that support. If I were to be critical, I would argue that the Department, rather like the Government as a whole, continues to judge its success on inputs rather than outputs. Unfortunately, when we begin to look at the outputs, we see that the picture is slightly less rosy.

At macro level, we could take progress towards achieving the millennium development goals, for example. The United Nations Development Programme's Sudan millennium development goals interim unified report concluded that achievement of the 10 millennium goals, broken down into their 20 subsections, was unlikely in 12 of the 20 sections and only potentially achievable in the eight others. Only the MDGs on the under-five mortality rate, the maternal mortality ratio and the proportion of population with access to an improved water source were assessed as probably being achievable. Those statistics paint a grim picture, but it is a picture for the country as a whole. In areas such as Darfur, South Kordofan, Abyei and Gereida, the situation is, unfortunately, much worse.

The report suggests that, although education enrolment is increasing, 75 per cent. of children still have no access to education—worst off are girls—and the problem has become so bad that southern Sudan is in danger of producing a generation of illiterate citizens. That obviously has huge implications for Sudan's future development.

Health standards are also very low. One in four children dies before the age of five. One in nine women giving birth in Sudan dies in labour. Hospitals are badly under-stocked with drugs, and a number of sources suggest that there are only enough doctors for a ratio of one doctor per 100,000 people—assuming, of course, that they can get to the doctor in the first place.

Shortly before the hon. Member for Stroud and I met the Vice-President of the Government of South Sudan, we travelled a short distance out of Juba to one of the villages where many of the recently returned former internally displaced persons from the north were staying. Accompanied by some immaculately dressed, armed and fed soldiers—that is hardly surprising, as some 40 per cent. of the budget from the oil revenue for the Government of South Sudan is spent on defence—we talked to villagers who were almost at their wits' end because, despite being little more than three miles from the capital, the village lacked any basic infrastructure, whether a kindergarten, junior school or even the most basic medical clinic. I recall causing our excellent ambassador some concern less than an hour later by asking the Vice-President why his Government were spending so much on defence and so little on the most basic facilities for his people.

In 2005, the comprehensive peace agreement created two multi-donor trust funds: one to provide financial aid to the Government of national unity in Khartoum for war-affected areas in the north and for the three transitional zones of Abyei, Blue Nile and South Kordofan; and one for the Government of South Sudan. The amount of money currently committed to the two funds is estimated at $508 million. Of the £47 million originally committed by the UK, £30 million has been committed

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to date, with a further £17 million due in 2007-08. Regrettably, however, during the trip the common view from those whom we met appeared to be that the MDTFs are failing.

It appears that not only did the international community force unrealistic start-up programmes on the two MDTFs, but their inability to support quick impact aid delivery went unrecognised. To be fair, the MDTFs were not designed to meet immediate recovery needs. Instead, the funds focus on Government capacity building and centrally decided programmes, with an over-reliance on outside consultants. Having met representatives of several NGOs, we heard how their experiences of the MDTFs had been very negative, with recipients experiencing severe delays, confusion and frustration.

In the light of those problems, the UN has suggested that the MDTFs implement a new quick delivery strategy. Although the Government of national unity were supportive in the north, the Government of South Sudan appear less supportive, and recent events seem to have underlined that fact.

If development is to progress in Sudan, the big international players, the UN and, most importantly, the African Union need to put pressure on the Government of South Sudan as soon as possible. With that in mind, can the Minister confirm whether all the budgeted £47 million will be given to the two funds by the end of the financial year? Will he explain what progress has been made in setting up a quick delivery mechanism to address the slow delivery problem? Will he also outline some of the outputs that have been delivered by the MDTFs to date? Is he confident that they represent value for money?

I realise that I am asking a lot of questions, but I hope that they do not come as a surprise to the Minister. Finally, can he confirm when the donor-commissioned review of the MDTFs is due to report and why the Sudan consortium meeting scheduled for this month has been delayed at least until January and possibly even March?

The hon. Member for Stroud suggested that Sudan has become something of a laboratory for experimentation in funding mechanisms. I have to agree. Donors have set up a number of pooled funding mechanisms. In addition to the multi-donor trust funds and the common humanitarian fund, which have been discussed, is the basic services fund. As has been said, however, even now, we are simply failing to address the immediate funding crisis. That was repeated to us again and again during our visit, perhaps most noticeably by the head of the UN mission in southern Sudan. What plans has the Minister to give a greater percentage of UK aid to the basic services fund to help to plug that gap?

It is clear that funding shortfalls and delays carry a very considerable cost for the intended beneficiaries, outweighing any efficiency savings gained from pooling resources. The lack of a clear peace dividend in terms of high-impact additional funding represents a serious threat to the comprehensive peace agreement.

While we were in Juba, in the south, we also visited the new joint donor team that was first set up back in May 2006. That joint project involves the UK, the Netherlands, Norway, Denmark, Sweden and Canada. It is commendable in that, through working together in that innovative way of joint funding and joint policy making, the delivery of aid should be more effective. However, the same problems seem to exist where the multinational nature of the team seems simply to add to an already slow delivery time. Can the Minister confirm whether it remains DFID's intention ultimately to deliver all expenditure, except humanitarian aid in the south, through the joint donor team? Will he also outline what outputs the joint donor team has delivered since its creation in May 2006?

Time is marching on, so I intend to deal briefly with just one area, which is Abyei. The Abyei oilfield is estimated to be raising $529 million in 2007. Boundary disputes continue, although it is hardly a surprise, given the oil interests, that both the north and the south claim the region as their own. DFID and other key international players have an opportunity to bring both sides back to the negotiating table and use the region as a springboard for greater success across the whole country.

Since Dr Garang's untimely death, trust between the National Congress party and the Government of South Sudan has ebbed away. When we visited southern politicians who were part of the Government of national unity, they certainly said the right things, but the events of the past two weeks have shown that there was really a lack of trust. However, if a demilitarised zone can be created, it could set a precedent for the rest of the country. Of the four possible methods of resolving the deadlock drawn up by the joint NCP and Government of South Sudan group, only political mediation has been attempted so far. The Government of South Sudan have shown a willingness to involve international mediation. However, the NCP continues to rule out that option. Perhaps most seriously, the recommendations made by the boundary commission have still to be recognised, and with that stumbling block still in place, progress probably remains a pipe dream.

Will the Minister outline what actions the Government have taken to hold talks with our Chinese counterparts, whose considerable influence could be used to bring about peace in the Abyei region? Also, what does the Minister propose to kick-start the talks about the boundary commission report?

12.8 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Shahid Malik): I congratulate my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) on securing this important debate. He is someone who uniquely commands respect in the House for his work on international development, and it is a privilege to respond to his debate.

My right hon. Friend's eloquent and powerful description of the reality of life in Sudan was, frankly, depressing, but it is important that we are depressed. That depression should act as a catalyst for us to do even more, but we will all recognise that while we are depressed here, we are not living that reality—the people of Sudan are. I know that right hon. and hon. Members are clear about the fact that the cruel, prolonged and unnecessary suffering of the people of Sudan must come to a swift end. Their impatience for peace is shared by people on these shores and beyond.

Sudan faces significant development challenges. The war between north and south Sudan left more than 6 million people displaced. Large swathes of the population endured some of the worst development indicators possible, and the recent conflict in Darfur has added to that suffering. Current projections suggest that Sudan will not meet any of the millennium development goals by 2015. Each year, 100,000 children die from preventable diseases. The UK has more than 25,000 qualified midwives; we are told that southern Sudan has only eight. It should not be a surprise that Sudan has perhaps the worst maternal mortality rate in the world, at 2,000 deaths for every 100,000 deliveries.

The UK is responding to those challenges. As has been mentioned, we are the second largest donor to Sudan. In 2005, we pledged £317 million in aid over three years. To date, we have spent £290 million and stand to exceed our pledge. This year alone, we have committed £110 million, £67 million of which will go to humanitarian assistance.

My right hon. Friend the Member for Coatbridge, Chryston and Bellshill was kind enough to share with us a letter from the United Nations High Commissioner for Human Rights about funding shortfalls. We are pleased that the UK's role and commitment has been acknowledged. Our response is that we cannot meet the needs of the people of Sudan alone. As the hon. Member for Edinburgh, West (John Barrett) has said, other donors must meet their commitments and play their parts, if we are to have the impact so desperately required now and for many years in Sudan.

Work in Sudan is becoming increasingly complex. The comprehensive peace agreement in 2005 ended decades of civil war between the north and the south. It is the essential foundation for long-term peace and stability for all parts of Sudan. We remain fundamentally committed to supporting its implementation.

My right hon. Friend spoke about the bombings and condemned them. I know that he is aware that the UK sponsored the UN resolution in March 2005 referring Darfur to the International Criminal Court. Two arrest warrants for atrocities in Darfur have been issued so far. I concur with his comments and those of my hon. Friend the Member for Stroud (Mr. Drew) and other hon. Members that the announcement on 11 October by the Sudan People's Liberation Movement to suspend its participation in the Government of national unity underlines the agreement's fragility. Political leaders in the north and the south need to muster the political will and demonstrate the leadership necessary to resolve the more sensitive issues at the heart of the agreement—border demarcation, elections and Abyei. The current political deadlock has the potential to derail the relative peace that is, at the moment, mercifully allowing recovery and development work to continue in the south. We must do all we can to restore faith in the agreement and demonstrate to the people of Sudan the tangible benefits that peace will bring.

The UK provided £60 million in development assistance last year to support CPA implementation. We have also put £47 million into the multi-donor trust fund over three years, to be split evenly between the north and the south—a vital contribution to funding the introduction of a new currency for Sudan required by the CPA. Through a DFID programme, we have also provided £17 million for basic services such as primary schools, boreholes, latrines and health services, which are having a major impact on people's lives.

We will provide support to help ensure that the 2009 elections are a success, as they are crucial, and will continue to support the transformation of the Sudan People's Liberation Army into a disciplined professional army operating under democratic civil control with respect for human rights. My hon. Friend the Member for Stroud focused on that issue. The Government believe that it is crucial to consider it, as well as the disproportionate sums of money that seem to be targeted at the military, including many former military operatives who are still being paid salaries.

We are also working with partners to reinvigorate the assessment and evaluation commission, which oversees CPA implementation, and to ensure that the CPA remains high on the international agenda and is not forgotten. I think that we all accept that it is crucial to get close to the kind of situation that we want. The CPA is the bedrock of stability for the whole of Sudan, and it is indivisible from the peace process in Darfur.

The humanitarian situation there remains a major source of concern. Since the start of the conflict, many thousands have been killed and wounded, and more than 2 million people are internally displaced in camps throughout the region, while more than 4 million depend on international aid for their basic needs. Malnutrition levels exceed emergency thresholds in many parts of Darfur. We have spent £145 million on humanitarian funding to Darfur since the start of that tragic crisis in 2003. The majority of this year's aid, some £40 million, is being channelled through the common humanitarian fund, a pioneering multi-donor mechanism allowing the UN humanitarian co-ordinator to allocate resources where the need is greatest.

My hon. Friend the Member for Stroud mentioned the need for efficient and effective funding mechanisms that would have an impact on the ground, and we are very conscious of that. The multi-donor trust fund is being reviewed, and we rely on the Governments of Sudan and southern Sudan to take part in that process. They have asked the World Bank for more time to prepare, but we hope that the review will take place in early 2008, so we can be more confident that the systems in place are delivering the maximum possible.

My hon. Friend also mentioned the 2:1 ratio. The ratio has been proposed to ensure that the Sudanese Government make a long-term commitment to poverty reduction. The UK will continue to fulfil its obligation to help alleviate the suffering, but sustainable peace and security in Darfur will be achieved only through a political process involving all parties to the conflict.

The Prime Minister is leading international efforts to build a consensus on Darfur. On 20 July, he and President Sarkozy announced a joint initiative for Darfur. It focused on four areas—rapid deployment of an effective peacekeeping force; movement towards political negotiations; preparing for economic recovery to show the people of Darfur that there are dividends of peace; and regional stability.

My right hon. Friend the Member for Coatbridge, Chryston and Bellshill and the hon. Members for Edinburgh, West and for North-East Milton Keynes (Mr. Lancaster) have discussed China's role. We are

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certainly encouraging China and India to play a more prominent and positive role. Hon. Members should be aware that, like us, China has urged and pressed the SPLM and President Bashir to end the political crisis and fully to implement the CPA.

My hon. Friend the Member for Stroud has mentioned east Sudan. The peace agreement there was announced on 14 October last year, although we accept that progress has been slower than we would have liked. Unfortunately, that is a common theme in Sudan, but we are sure that the multi-donor trust is playing an important role. I assure my hon. Friend that the embassy in Khartoum monitors progress regularly. It is appropriate now to pay tribute to our British personnel, who do a magnificent job under what must be extremely challenging circumstances. I have not had the opportunity to go to Sudan to see them in action, but most hon. Members here today have, and I know that they would wish to join me in paying tribute. It is always useful to remind ourselves of their efforts.

Recently, we have seen progress. UN Security Council resolution 1769, which was sponsored by the United Kingdom with unanimous agreement, mandates a hybrid African Union and UN peacekeeping force. My right hon. Friend the Member for Coatbridge, Chryston and Bellshill spoke of a no-fly zone. That is obviously a possibility, but our initial focus and priority must clearly be to ensure that the hybrid force is up and in action. We hope and pray that it will create the secure environment that is so desperately needed for us to deliver vital humanitarian assistance to the people of Darfur. In September, the UN Secretary-General announced that peace talks would be held in Libya later this month, which is an encouraging sign.

Despite those positive developments, we are all aware that problems remain. The violence has increased, including a heinous attack on AMIS peacekeepers in Haskanita and fighting around the town of Muhajiria. That has added to an already challenging humanitarian situation, with a quarter of a million people being displaced this year alone.

My right hon. Friend referred to the Central African Republic. We support the deployment of an interim European Union force for the Central African Republic and for Chad, and we have given some £6.5 million of humanitarian assistance for Darfurian refugees in Chad.

Since the start of the year, more than 100 humanitarian aid vehicles have been hijacked and five aid workers have been killed. That seriously undermines the ability of humanitarian agencies to deliver vital aid to those in desperate need. I pay tribute to the brave efforts of those humanitarian workers who continue to provide essential assistance to the people of Darfur. Their tireless contributions in the most dangerous of circumstances deserve not only recognition but praise. The hon. Member for Edinburgh, West, too, rightly gave praise to those brave front-line workers.

We call on all sides to commit themselves to an immediate cessation of hostilities, so that humanitarian workers can do their job and so that the peacekeeping forces can be rapidly deployed. They must engage fully in the political talks being led by the African Union and the United Nations.

The hon. Member for North-East Milton Keynes asked about the multi-donor trust fund. As I said earlier, £47 million has been given, and we remain committed to meeting the target that we set ourselves. We all want to see the quick delivery mechanism; although we support efforts to make the MDTF more flexible, there is a trade off between fiduciary standards and speed of delivery. Looking forward to the next Sudan consortium meeting early in 2008, we hope to address some of the issues correctly raised by the hon. Gentleman. He also spoke about the common humanitarian fund and channelling funds to meet the most urgent of needs is an absolute priority.

A breakdown of projects cannot be given today, but disbursal by non-governmental organisations is rising. NGOs received 26 per cent. of the fund in 2007, compared with just 12 per cent. in 2006. As for results, in 2007 the common humanitarian fund supported the return and reintegration of some 180,000 people displaced by the civil war.

The hon. Member for Edinburgh, West mentioned the Government of Scotland. I am not aware of any approaches having been made by them, but my right hon. Friend the Secretary of State for International Development is a former Secretary of State for Scotland. I am sure that he would want to maximise the impact of the work that we do in Sudan by working with all nations of the United Kingdom.

Mr. Tom Clarke: I am grateful to the Minister for giving way. He is making an absolutely excellent speech, and has a firm grasp of all the issues raised today. Will he join with me in saying that we should continue working with our colleagues in the European Union, particularly with France? We believe that they have much to offer. I thank the Minister again for his excellent contribution.

Mr. Malik: It is right that we work with all nations and parties, including the EU, which has an important role to play. Again, I commend my right hon. Friend for his efforts on these and wider issues. I now need to get on the home straight, as only 90 seconds remain.

As the Prime Minister made clear, if the situation improves we are prepared to act in support. As part of the joint initiative for Darfur and as an incentive for the peace process, the UK will ensure that when political progress is made it will be matched by economic support. However, if the Government of Sudan and the rebels do not meet their commitments, I make it clear that we will pursue further, targeted sanctions.

On Sunday night, I attended the Muslim "Live 8" concert for peace in Darfur, which was organised by Islamic Relief. About 10,000 people gathered in Wembley arena, which demonstrated the strength and depth of support here for the people of Darfur, and I congratulate the organisers on that timely initiative.

None of us should forget the people of Darfur, and we accept that we have an obligation to end their suffering. The CPA must be implemented, because only then will we have a chance to bring lasting peace to Darfur and the whole of Sudan. With the help of our international partners, we will work with the people of Sudan, letting them know that they are not alone. Our challenge is to deliver their dream—a Sudan where there is peace, prosperity and justice for all. We will meet that challenge.

Maidstone and Tunbridge Wells NHS Trust

12.30 pm

Sir John Stanley (Tonbridge and Malling) (Con): I am glad to have the opportunity to follow the oral statement made by the Secretary of State for Health last week. Indeed, he was forced to make it, following the urgent question by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), whom I am glad to see in his place.

Like other Members of Parliament representing the area covered by the Maidstone and Tunbridge Wells NHS Trust, I have received a number of letters from constituents whose relatives and nearest and dearest have been afflicted by hospital infections. As appalling and grim as these letters were to read—obviously, I took appropriate action on them—they did not prepare me and, I suspect, many others for the magnitude and severity of the criticism that came from the Healthcare Commission.

This is a scandal in which some 90 people have died directly, or most probably, because of Clostridium difficile. It is also a scandal because the treatment of individual patients in some cases can only be described as absolutely abominable. I should like to take this opportunity to put on the record this quote from the Healthcare Commission's report:

> "They told us that when patients rang the call bell because they were in pain or needed to go to the toilet, it was not always answered, or not in time. A particularly distressing practice reported to us was of nurses telling patients on some occasions to "go in the bed," presumably because this was less time-consuming than helping a patient to the bathroom. Some patients were left, sometimes for hours, in wet or soiled sheets, putting them at increased risk of pressure sores. Families claimed that tablets or nutritional supplements were not given on time, if at all, or doses of medication were missed. Wards, bathrooms and commodes were not clean and patients had to share equipment such as zimmer frames which were not cleaned between use.

I cannot think of a more disgraceful account of a part of the NHS than what has come out in this report revealing grossly inadequate management. I shall give just one example:

> "Policies for the control of infection were on the trust's intranet, but they were nearly all out of date and not all staff could gain access to the intranet."

And there are some pretty strong criticisms of doctors:

> "Areas of concern included infrequent reviews of patients by doctors, the lack of systematic monitoring of whether the patients were recovering from C. difficile, and the failure, in many cases, to change antibiotic treatment for C. difficile when a patient had failed to respond to the initially prescribed therapy."

Now, of course, we have a Kent police investigation into possible criminal offences.

Against this outrageous, appalling background, there have been just two resignations: the immediate, totally warranted, resignation of the chief executive and the further resignation—somewhat belatedly and reluctantly, I felt—of the chairman of the board of the trust. I must put it to the Under-Secretary of State for Health, the hon. Member for Brentford and Isleworth (Ann Keen), and to the Secretary of State: is it right that, following such an appalling scandal, there should have been only two resignations from this trust?

That brings me to the Government's policy on severance payments for those who have fallen down on their job in the NHS. In my view, the former chief executive of the Maidstone and Tunbridge Wells NHS Trust should not be receiving one single penny in severance payments. Yet here we have the ludicrous position of the trust board having taken legal advice—I have a copy of the strictly private and confidential letter sent by the former chairman to the Secretary of State for Health confirming that—on the basis of which it is on one hand offering a very substantial sum to the outgoing chief executive while, on the other hand, the Secretary of State is desperately seeking to intervene to prevent the payment being made, which is wholly unacceptable.

I put it to the Minister that, surely, it is high time that the Government issued clear guidance to boards of NHS trusts about some of the basic terms of contract that they should be offering to the top management. A key element of those basic terms of contract should say, "If you succeed, you do well—you get recompensed financially, accordingly—but if you fall down on the job, do not expect to be bailed out with a significant sum at the taxpayer's expense. Failure means no financial pay-out." That should be the key watchword for the Government. I do not understand why such a policy has not been conveyed throughout the NHS.

So where do we go from here? We need to start right at the top of the Maidstone and Tunbridge Wells NHS Trust. We have in place a new chief executive. Obviously, I wish him well in respect of an immense challenge facing him. I hope that he will hit it off distinctly better with the staff of the trust and, indeed, with patients than his predecessor did and I hope that he achieves infinitely greater success. However, I have to say that the chief executive's first public utterances in his new role were not wholly comforting. They were as follows:

> "My name is Glenn Douglas and I was appointed as acting Chief Executive on Monday. My normal job is as Chief Executive of Ashford and St. Peter's Hospitals NHS Trust in Surrey."

So here we have an acting part-time chief executive put into the Maidstone and Tunbridge Wells NHS Trust, which has suffered an appalling calamity for patients and now needs to be put on the road to recovery.

What is the position on the board? Two of my constituents who are consultants in the trust rang me yesterday. I asked them the same question: "Who is now the chairman of the board?" They gave me the same answer, saying: "We have no information as to who is now the chairman of the board." One of those consultants added, "The trust is rudderless." The Secretary of State must get in and grip this situation. We cannot have this trust left with a part-time chief executive and no chairman in its present plight. Will the Secretary of State look urgently, today, at the need for a full-time, razor-sharp chief executive and a truly effective chairman?

I now turn to the relationship between beds and infection control. I thought that what used to be called—and apparently still is called—hot-bedding went out with the Factory Acts in Victorian times. Well, I was wrong. Hot-bedding is still alive and well, although that is not a very appropriate term to use in reference to the Maidstone and Tunbridge Wells NHS Trust. It is still very much in use.

I noted the interesting comments in *The Sunday Telegraph* last Sunday about the relationship between hot-bedding and infection. The article said:

[Sir John Stanley]

> "Experts say that 'hot-bedding', with beds filled again soon after they have been vacated, does not leave enough time to clean them properly, while a lack of spare beds makes it hard to isolate infected patients."

It went on to refer to an important report that is being produced by Professor Barry McCormick, the Department of Health's chief economist. That report apparently shows that

> "when a hospital's bed occupancy rate passes 90 per cent., the risk of MRSA rises by 42 per cent."

The article goes on:

> "Prof McCormick's final report is also expected to show that C. difficile spreads most quickly when hospitals are crowded."

Rather worryingly, the article went on to report that the Government do not seem to be keen that the report should see the light of day.

However, 90 per cent. is the danger threshold. What do we have in the Healthcare Commission's report on the Maidstone and Tunbridge Wells NHS Trust? It states:

> "The trust's bed occupancy rates were consistently over 90 per cent. in the medical wards at both Maidstone Hospital and Kent and Sussex Hospital"

with all the consequent dangers of infection. The particular scandal in our area—I have to put it that strongly—that I want to draw to the Minister's attention is that on the one hand the acute trust, the Maidstone and Tunbridge Wells NHS Trust, is hot-bedding, while on the other hand, in the same area, the West Kent primary care trust had half the beds in its four community hospitals shut down in the whole of last year, which was one of the most absurd and short-sighted false economies in the NHS that could possibly be made.

Happily, West Kent PCT has finally woken up to the idiocy of shutting down the beds in its community hospitals. It is at least reopening the beds in three out of the four. The one where the beds are not being reopened at the moment is Tonbridge Cottage hospital in my constituency. Half the beds remain shut. I have received no respectable medical justification for keeping those beds in Tonbridge Cottage hospital shut. I wish through the Minister to urge the Secretary of State to issue a direction to the chairman and chief executive of the West Kent PCT to reopen the beds in Tonbridge Cottage hospital forthwith. That trust, at the moment, in my view, is failing in its duty of care to patients. There is no good reason for keeping those beds closed. They should be opened immediately.

I now want to turn to debt and its relationship to infection. I looked closely at and listened to what the Secretary of State for Health said last week, and he gave an extraordinary answer to my hon. Friend the Member for St. Albans (Anne Main). He said that there was "no correlation" between debt and C. difficile. Eradicating C. difficile costs money—it has to be funded. The Secretary of State himself, at the end of his statement, drew attention to the fact that he was spending an extra £50 million on dealing with C. difficile.

I bring to the Minister's attention the extraordinary situation that we have with debt in the Maidstone and Tunbridge Wells NHS Trust. The trust is a victim of what the Government choose to call the resource accounting and budgeting, or RAB, system. The idiocy and unfairness of the system for the Maidstone and Tunbridge Wells NHS Trust is that having paid off a historical debt of £17 million, under RAB it is required to pay off that same amount a second time over. It is intolerable that the trust should be put in that position, which is directly detrimental to patients.

My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) and my hon. Friends the Members for Tunbridge Wells (Greg Clark) and for Sevenoaks (Mr. Fallon) and I wrote not once, not twice but three times to the previous Secretary of State, the right hon. Member for Leicester, West (Ms Hewitt), urging her to remove the debt burden from the trust. I urge the Minister and the Secretary of State to wipe out the totally unjustifiable debt that the trust is having to make economies to try to pay off a second time.

Reconfiguration was also raised in the exchange with the Secretary of State last week. I thought that he gave a very strange answer to my hon. Friend the Member for Faversham and Mid-Kent (Hugh Robertson). He said that as far as the Maidstone reconfiguration proposal was concerned:

> "If it is referred to me, I will refer it to the independent reconfiguration panel, which is clinician-led, so that there is a clinical argument for any change."—[*Official Report*, 15 October 2007; Vol. 464, c. 569-70.]

I appreciate that the Secretary of State has not been long in his job, but reconfiguration for Maidstone has already been referred to him and he, in turn, has referred it to the independent reconfiguration panel, which is due to report to him on 30 November. The matter is before the Secretary of State, who will have to take a decision on it in a few weeks' time. I ask the Minister whether it makes sense, given the C. difficile scandal, for reconfiguration to be approved now to transfer services from Maidstone hospital to the antiquated buildings in the Kent and Sussex hospital and the Pembury hospital. Surely consideration should be given to delaying that reconfiguration until the new hospital is built.

Greg Clark (Tunbridge Wells) (Con): My right hon. Friend is making a powerful speech, as ever. Will he confirm our understanding that the new hospital is absolutely imperative, if we are to have a long-term solution to these problems? Does he welcome the Secretary of State's assurance that no expenditure on infection control will stand in the way of that? Does he share my concern that the Treasury holds the purse strings and will ultimately approve the new hospital? Will he join me in urging the Minister to urge her right hon. Friend the Chancellor to approve the hospital without delay whatever the final year balance of the new hospital?

Sir John Stanley: My hon. Friend has correctly anticipated my concluding remarks. I have been somewhat critical of the answers given by the Secretary of State for Health last week, but I should like to finish by saying that I wholly agreed with the Secretary of State's reply to my hon. Friend, when he put that question to him last week. The Secretary of State gave a clear assurance that he was committed to the new hospital and that the case for the new hospital was made even stronger by the appalling experiences that we have suffered from the C. difficile outbreak.

My constituents, and those of my hon. Friend, of my right hon. Friend the Member for Maidstone and The Weald and of my hon. Friend the Member for Sevenoaks, have suffered grievously through the delay in the arrival of the new hospital. They have had to endure mixed-sex wards, antiquated buildings, antiquated layouts, and now that terrible infection. I urge the Secretary of State to approve our new Pembury hospital and to approve it forthwith.

12.48 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): I congratulate the right hon. Member for Tonbridge and Malling (Sir John Stanley) on securing this important debate. I appreciate the comments that he and other hon. Members have made, and, in particular, the seriousness of the tone with which they have been expressed. Other Members from the area who are not in the Chamber today have also made their voices clear to me and to the Secretary of State.

I want to take the opportunity to offer my sincere condolences to all who have been affected by the tragic deaths that have occurred at the trust. Of course, that is not sufficient for grieving relatives and families. I have always acknowledged that since the announcement of the report, which is as serious as it gets. It showed a lack of management across the spectrum, from the wards to the board. There is no excuse for that at any level—from professional clinical staff, nurses, medical and biochemistry staff, to cleaners and managers. We have failed people across the health service spectrum. I have acknowledged that on previous occasions, and can do so again today, although it gives me no pleasure to say that to the right hon. Gentleman.

The report found that the trust board was unaware of the high infection rates, and did not spend enough time considering infection control. The report makes recommendations for action by the trust, including a review of the trust board's leadership, prioritising of infection control at board level, risk management, clinical guidance, staffing levels and training. The right hon. Gentleman referred to a report by Professor McCormick, which will be updated and published, I believe, at the end of this year. We note that and look forward to his report back.

On other leadership matters in the trust, I accept totally the right hon. Gentleman's comments about with whom the buck should stop. I personally think that that goes across the clinical field, and I know that a leadership review is taking place, which will report back shortly.

Greg Clark: It is now nearly two weeks since the report was published, but still people are employed by the trust who were directly criticised in it, including non-executives, with the exception of the chairman, who approved, we are told, the pay-off to the former chief executive. That seems to be an unconscionable delay. Under section 66 of the National Health Service Act 2006, the Secretary of State has the power to serve an intervention order to remove individuals. Will he make use of those powers?

Ann Keen: The Secretary of State has made it very clear that he is taking legal advice. Sadly, that is not going as fast as people in the Department, and certainly Ministers would like. However, the Secretary of State is taking advice and meeting regularly with the strategic health authority and chief executives to address all of the other concerns that the right hon. Member for Tonbridge and Malling rightly raised in his contribution.

We cannot take this matter more seriously, because the most serious errors have taken place in Maidstone and Tunbridge Wells NHS Trust. I assure Members that the Secretary of State is working very closely, on a daily basis, with everybody, in order to bring these very sorry events to a conclusion, and to move on in the most positive way possible.

Many measures have been put into place in Maidstone to improve systems for monitoring all infections, which of course have to be in place in all trust and primary care trusts. In particular, I take note of the right hon. Gentleman's comments about community trusts and community beds. I assure him that I shall go back to the Department and check up on that. I would be very happy to discuss my findings with him.

We have reviewed nurse staffing levels and are recruiting to enlarge nurse staffing numbers on wards. As a former nurse, it is beyond my comprehension how such a level of infection could take place in 2007. I accept that they are operating in very poor conditions, and I accept the point about the speed of the reconfiguration, and emphasised it to the Secretary of State, who is working very hard to address it.

We have extended cleaning in all clinical areas. Of course, we have relaunched the "Clean Your Hands" campaign. I am aghast that we have to do that, but we do, across the board, from the most senior medical consultants down to the most junior members of staff.

Mr. Jim Devine (Livingston) (Lab): I, too, am a former nurse, and I remember the smell of cleanliness in hospitals. Is the Minister aware that, in 1982, 170,520 ancillary staff worked in NHS hospitals in England, but, by 1995, that number had fallen to 66,760? At the same time, there was a corresponding increase in MRSA and other infections that have been highlighted. Does she agree that it is time that we got back to the domestic levels of cleanliness in hospitals that we had in 1982, prior to compulsory competitive tendering?

Ann Keen: I agree. Of course, given that we both worked in hospitals back then, we know how important domestic staff are to the well-being of patients and of the contribution that they make to the team. If they are designated to be in one ward or clinical area, they take pride, and always have done, in their work, and feel as responsible for the cleanliness and infection rates of their hospitals as any member of the professional team.

I agree with the right hon. Member for Maidstone and The Weald (Miss Widdecombe), whom I met this morning, and who said, in her own way, that an air of carbolic is required in our hospitals once again. However, we must look at individual practice in the case before us, which we have said was unacceptable. Now we have to look to the future and help to restore community confidence in the Maidstone and Tunbridge Wells area, and I know that hon. Members will work with us to help with that.

[Ann Keen]

Targets have been mentioned, but the Healthcare Commission pointed out that targets in themselves did not create this problem, because other organisations meet targets while keeping patient safety as paramount at all times. Complaints must be taken seriously. In this instance, for those of us concerned with health care professionals, one complaint would have been one too many. We also need to look to how we manage C. difficile infection in the future. It has always been an infection in its own right, and the medical care of patients and the appropriate use of antibiotics is paramount, as well as the cleaning. We must take a team approach to this difficult infection. In many areas of microbiology, other countries are now looking to us to see how we can assist them.

We must not forget the hard work and dedication of our NHS staff who feel the anger and shame of what has taken place in Maidstone and Tunbridge Wells. We all understand that the public expect to be cared for in clean hospitals, which is why the Prime Minister announced the big spring or autumn clean—whenever it takes place— but that is just one thing. It is not sufficient, but it will start to give the public the confidence that they always had in the cleanliness of our hospitals. The way in which clinical matters are managed and run needs to be looked at again.

I could, of course, go back a few years when it was unheard of to have such a busy stream of people in and out of wards and clinical areas, and to see our hospitals used by so many people in so many different ways at the most inappropriate times. I have asked the chief nursing officer to look at that. Pilot projects taking place in parts of our hospitals are showing huge signs of saying, "We will have rules and all the clinical staff will obey them." However, in this case, that is not enough. Senior people across the board will be, and have been, called to account. The Secretary of State and I want to work with a new chairman and chief executive, and to get round the table with all the hon. Members concerned to look at how best to do that.

My door is open to all hon. Members in order to get this right and to see how best to work with constituents so that we can restore confidence in the NHS, in which we still have great pride. That is a serious issue. We can balance books and meet targets, which have helped patients, but we also need future targets to reduce infection rates and to adhere to a very strict code of practice. The chief executive, David Nicholson, has sent out a very strong message to all NHS managers saying that an atmosphere of being unable to report situations and of complaints not being taken seriously will not be acceptable at any level. All members of staff must feel that they operate in an open and safe environment, and patients and communities must always feel that about our beloved NHS.

Senior Care Workers

1 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The quality of the life of a nation is judged by how it treats people who are most dependent upon the care of others. In this country, the care of our elderly should be not only one of our most important concerns, but one that we constantly monitor and assume to be fundamental to the quality of their lives.

Some months ago, I was approached in my constituency by a series of Filipino care workers who, to be frank, I did not know existed in my constituency. They gave me the names of and information about three care homes, owned by Southern Cross Healthcare, which I did not realise existed. They told me that they, who had been working for periods of between four and six years in this country, almost all of them with children in local schools, mortgages and stable homes, had suddenly been confronted with a case that they had never expected.

The new Border and Immigration Agency had decided, without, as far as I can see, any consultation with Parliament, that the rules for care workers needed to be changed. The work permit applications for senior care workers were altered in such a way that people who had been working sensibly and quietly at difficult jobs were told that their work permits would not be renewed. I am glad that my hon. Friend the Minister is replying to the debate; but frankly, in the past three months, I have been appalled by the way in which his Department—the Department for the Home Office, or whatever it happens to be called presently—has batted me about from one area to another with the highly spurious argument that not one Department is responsible for that set-up.

The Home Office Border and Immigration Agency, however, directly changed the rules of the game. In other words, when those workers entered the United Kingdom, not only were they accepted as capable of acting as senior care workers, but no one ever questioned their status.

David Taylor (North-West Leicestershire) (Lab/Co-op): The situation that my hon. Friend describes is very much like that in North-West Leicestershire and elsewhere in care homes in Coalville and in Castle Donington, where Filipino carers have worked for several years. Its worst aspects are tardiness and uncertainty, because the Border and Immigration Agency and the Home Office are not replying to letters. I wrote to the Minister, whom I greatly respect, on 4 July—not a single reply yet. I raised the matter in the Chamber on 9 July with the Home Secretary. I hope that that speeds things up and that we receive replies, so that we can remove the uncertainty hanging over many hundreds of people who perform a vital role for the very elderly in our society.

Mrs. Dunwoody: I hope to set out exactly that set of circumstances, because the whole episode has been a stain on the responsibility and reputation of the United Kingdom.

Many of the Filipino care workers were told that they must apply through their existing management, who initially said that it was the Government's responsibility and that the workers were not allowed to apply for an extension. Then, when we obtained information from the Government, the management said that a certain rate of pay—£7 an hour for people of their status—had been imposed and that it had been made very clear that, unless the workers were paid that rate, they could not be employed.

Is the Home Office now in charge of wage negotiations for people employed in private care homes? If it is, I understand why the Department of Health sent me a letter that said:

> "Matters relating to pay and conditions of employment of staff employed by independent care home operators are for negotiation for employers and employees and/or their representatives, taking account of relevant employment legislation…the Department of Health extends only as far as the regulations and national minimum standards governing the quality and safety of care".

If that is true, how have we found ourselves in that situation? In reality, large numbers of private health care workers, working in many instances for American chains, have been told that they cannot apply for an extension of care. Owing to the fact that those women—they are largely women—are Filipino and Indian, very law-abiding and extremely worried about whether they will be able to remain if they do not have legal status, they have in some instances been driven out of the country at very short notice, and they are in others terrified that, in some way, they will contravene the rules.

Chris Ruane (Vale of Clwyd) (Lab): I congratulate my hon. Friend on securing the debate. She mentions that the Filipino workers are law-abiding. Does she agree that, of all the immigrant groups, they are probably the most industrious, well-motivated, law-abiding and socially integrated in our society? Does she agree also that the Minister should show some compassion when dealing with that group and that they should be allowed to work out their current permits? Their precipitous removal would be at great personal cost to the individuals, their families and the hundreds of thousands of elderly people who need that top-quality care.

Mrs. Dunwoody: I strongly agree with every word that my hon. Friend says. Let us enumerate the qualities of those women: they are English-speaking; they are enormously warm in their approach; and they do difficult jobs in care homes dealing with the elderly—in some cases for the minimum rates of pay. They are doing jobs that Britons do not want to do—jobs that will not be filled successfully by people who are non-English-speaking. However, that appears to be the burden of the argument: get rid of people who are without the European institutions and countries, and replace them with people from eastern Europe. If that is true, it has been done in the most astonishingly incompetent, insensitive and appallingly thought-out manner.

I wrote to the Prime Minister saying that I was being bounced from one Department to another without any clear statement about the circumstances. I shall quote a letter from a marvellous man called David Edgar, who has been doing his best to protect those workers, simply because he was so concerned about what was happening in the care homes about which he knew. He said:

> "There is…abundant evidence that…many small care home companies who are desperate to employ experienced and qualified Senior Care Workers who…speak excellent English…are quite happy to pay the imposed hourly rate however their nightmare is the constant moving goalposts of the Home Office, the rules are now so complicated and conflicting that care home managers do not know how to apply for Work Permits, Visas and…at a cost of £190 for each Work Permit…are very reluctant"

even to try.

Those are the responsible companies. The irresponsible ones have simply told people that they will not apply for extensions, and they are leaving large gaps. In subsequent evidence, Mr. Edgar says that he believes that many of those women are "now being blackmailed" into doing much harder work to fill the gaps and that, in some instances, they are being told that, if they create any difficulties about their terms and conditions, the Home Office will be told that they are not to remain because the company will not apply for any extended permits.

I apologise, but only yesterday did it occur to me that I could not be the only Member who was dealing with the situation. As we can see from the number of my colleagues who are gathered in the Chamber for a half-hour debate, that is true. Some 24 Members e-mailed me with specific details. Some of them had as many cases as me—I have more than 20 in my constituency—and some Members have up to 50. Some of the cases involve the most appalling stories. In one case, six care workers had their work permits refused, even though they had been here for four years.

My hon. Friend the Member for North-West Leicestershire (David Taylor) and many others have given me detailed case histories that not only chime with what I have discovered but make it clear that the problem continues. My hon. Friend the Member for Eccles (Ian Stewart) has approached Ministers and been given the same sort of reply as me and has also been told by a care home:

> "The handling of this matter by the Home Office has been shambolic…No one at the Home Office gives a damn about the effect these guidelines have had on staff welfare. This is nothing more than an effort to increase the deportation figures".

I do not have to agree with every word of that to say that Members of Parliament are extraordinarily concerned about what has been happening to those people.

If the Minister gets to his feet and says, "Of course, this is not a matter for me; it is for the Borders and Immigration Agency", I can say to him only that there is a lamentable failure in management care in the Government, considering that two major Departments seem totally incapable of deciding what they want to do. If there was wide consultation on the change in the rules, with whom did it take place? When was it brought before Parliament and why were we not aware of it before it happened?

Once Members of Parliament started to raise the matter, the Home Office mildly backed off by saying that there should be a degree of flexibility in how cases are handled. However, as far as I can see, there has been no plain statement of the status of the women in question, even though it is known not only that they are desperately needed in the care homes where they worked, but that their absence is putting enormous strain on the existing health care staff and the quality of life of the people living in those homes.

Since a Department of Health Minister is responding to the debate today, I want to know what the Department intends to do. Why is it not possible for the Home Office

[Mrs. Dunwoody]

to grant those women an amnesty for a minimum of three months after the expiry of their work, if it can clearly be proved that they have been working here, in some cases for up to six years, so that they can apply for other jobs? Let them apply for other jobs in the health service or the care homes sector. There is absolutely no reason why that should not be so.

Filipino nursing qualifications are extraordinarily good. It is all very well for the Department of Health to say, "Well, of course they can get themselves accredited and apply." Those women have no support system, do not know what they have to do to get themselves accredited in a foreign land and face the considerable pressure of wondering whether they will be thrown out of the country in a short time. It is clear, since none of us seem to have accurate figures of the number people involved, that more and more people's work permits will soon expire and their cases come to light. Their Members of Parliament will ask for clear protection for people from whom we have clearly benefited, yet seem prepared to abandon without a thought to their situations.

I shall not take the Minister through everything that has happened to senior care workers, but I shall say that David Edgar, who has been fighting this battle almost single-handed, dealt with another Southern Cross home, not in my constituency. He made a request to the Home Office in July, and the carers in question were ordered to leave the UK on 27 July. The Minister was served with a letter before action, and legal action is taking place. However, in August, Southern Cross—the very people who were saying to their workers, "Well, I'm awfully sorry, but as far as we are concerned, once your work permit ends, you are on your own"—signed up to a skills pledge. Like me, David Edgar then went to every relevant Department. There was a change on 13 August, when new work permit criteria were introduced.

A parliamentary Committee condemned the poor treatment, abuse and neglect that elderly residents receive in many care homes, at the same time that even more difficulty was being caused. David Edgar then made formal complaints on behalf of various care workers about the way in which they had been cheated out of money. He was received not only with little evidence that the police intended to investigate but with scant courtesy. Since the beginning of the episode, there has been an appalling set of circumstances that does nobody any credit.

I wish to ask the Minister a number of things. Has his opposite number in the Home Office said that he is prepared to assist those women if they can genuinely show that they have been here for a certain length of time and have the skills to find jobs in the health care sector? If not, is the Home Office prepared to make specific undertakings on how those workers can be assisted in the interim period to deal with the circumstances in which they find themselves?

The Minister will forgive me—I am allowed an elderly moment. I did not realise that he was indeed in the Home Office. I am surrounded by Ministries whose names I cannot pronounce and whose acronyms seem to produce such sounds as "Brrrrrr." He will forgive me for not realising that he has moved on.

Although I am allowed senior moments, I, too, will need care at a certain time in my life. I shall want it to come from people who are nice, warm and caring and have proper training. The group of women affected exemplify those standards and the best in care work. Many of them are now terrified—I use that word advisedly. I have had people wandering into my surgery, as I am sure other Members have, saying cheerfully to me, "Oh yes, I was refused the right to remain here"—10 years ago, in one instance. Yet these women come to me weeks before their work permits expire and say, "We are so frightened. What are we going to do? We will have to leave our homes and take our children out of school. We will have to deal with it."

If a mistake has been made, which I believe it has—24 Members of Parliament are not making up the problems that they have told me about—the Home Office should simply say so. It should bring in interim arrangements and make them clear and public. It should stop running away from what it obviously perceives as a suggestion that it is giving special care to those who come from outside the European Community, and it should ensure that it does not impose such things as hourly rates and then tell me that the matters for negotiation are for those in the health care service. It is a case of one or the other: the Government might decide on home care rates—fine, I do not have a problem with their setting minimum rates—but they should make up their mind. When they do, they must remember that the people affected are not toys or counters; we are playing with people's lives. So far, we have not done a very good job.

Rosie Cooper (West Lancashire) (Lab): I endorse everything that my hon. Friend has said. There have been such cases in my constituency, and we cannot get people to fill the jobs created. The ladies at Stocks Hall nursing home do a fantastic job. They are caring, diligent and everything that one would want. The residents want them and so do the directors, but they cannot afford to pay them £7.02 an hour. I ask the Minister whether it can really be fair to allow those individuals to come to England, take up employment, settle in the community and then face deportation after two years. They are efficient staff members and really needed.

Mrs. Dunwoody: The Minister knows the case. Let us hear his explanation or, better still, his excuses and decisions about what he is going to do to assist such people urgently. This is an urgent problem.

1.19 pm

The Minister for Borders and Immigration (Mr. Liam Byrne): Let me start by congratulating my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) on securing the debate. As she has said, I used to be the Minister with responsibility for social care, and in my time at the Department of Health, the issue of the work force in social care detained me more than most.

This afternoon, I shall sketch out the chronology of events that has brought us to this stage and the transitional arrangements that I put into place, which are benefiting nearly 80 per cent. of people in this category. Before I expand on those points, I apologise to my hon. Friends—we are all hon. Friends this afternoon—if there have been delays to the replies that they have received. Such tardiness has sometimes been due to my concern to ensure that the policy was right before we got back in touch with people, because it has been changed substantially. I take personal responsibility for the policy, because I have spent a considerable amount of time on it in the past few months, not only with officials, but with hon. Friends and other hon. Members.

That brings me to my second introductory point: if colleagues have particular cases that they want to bring to my attention, I am always happy to meet them to discuss in detail how I can help. My hon. Friend the Member for Weaver Vale (Mr. Hall) is not present, but he has been particularly vocal in arguing this case to me, so I wanted to put his name on the record.

To give a brief chronology, the changes in this area began in October 2006, when new age discrimination legislation was introduced. Against that backdrop, care home operators continued to advertise senior care worker jobs in local job centres, as they are required to do to pass the resident labour market test. In those adverts, they specified that the post of senior care worker required a national vocational qualification level 3 and three years' experience in a job at that level. That is important, because the work permit system has operated on two important principles since 2000—this is not a recent innovation; it has been around for seven years. The first principle is that people coming in under the work permit scheme have to be skilled. Only two parts of the immigration system operate low-skilled schemes: the seasonal agricultural workers scheme, which will soon be given over to residents of Bulgaria and Romania, and the food processing scheme. Between them, those schemes have about 20,000 places.

The second principle, with which I am sure all Labour Members will agree, is that people must be paid the going rate to do the job. My hon. Friend is right that the Home Office does not conjure its guidance out of the air. It simply reflects what Skills for Care and other sector skills councils tell us is the going rate for a particular post. Another problem then arose: Jobcentre Plus pointed out to us that employers could not justify advertising those posts as requiring an NVQ level 3 and three years' experience because the role being performed did not require such skills. Age discrimination legislation says that a job requirement cannot stipulate skills that cannot be justified and cannot be potentially discriminatory. Research was then undertaken within the sector to see whether the senior care worker post did, in fact, meet the skills criteria. Let us not forget that the reason why the post existed was that the care industry said that the job required that level of skill. However, evidence then emerged that there was no such requirement, and our research confirmed that, which placed us in a difficult position.

Obviously, the Home Office cannot operate a policy under which we give work permits against our own guidance—the relevant guidance being that people need to have a certain level of skill to do the job. The result was that 100 per cent. of the people who applied for extensions were being refused. I was not prepared to countenance that, so I asked my Department to work with the Department of Health to see how we could introduce new guidance that would allow the post of senior care worker to be retained and waive the skill requirement that we insisted on before, on the condition that employers stepped up to pay the going rate for that job. My hon. Friend is right that it is not for me or a Health Minister to determine that pay rate; we have been advised by Skills for Care that it is the going rate for that job. Some hon. Members have said to me that that is a national raise. Of course, social care is a different business, and there are different rates of pay in different parts of the country.

Mrs. Dunwoody: The Minister has four minutes left in which to tell us what he is going to do now. I accept that his Department got itself into a mess. The legal advice that it received was unhelpful, and it is my experience that one can get different legal advice if one wishes. The reality is that the women whom we are discussing, who have enormous abilities, are being thrown out of the country and are not being replaced, and that the ones who are left are being overworked. What is he going to do about it?

Mr. Byrne: Let me come to that point directly. The Home Office has to translate Government policy into the immigration rules, and that is sometimes difficult, but I do it to the best of my ability. I have put transitional guidance in place, and the figures show that 79 per cent. of the people who apply for extensions to their leave are being given further leave to remain. That is partly driven by employers accepting their responsibility to pay individuals the going rate for the job. My hon. Friend is right that those workers are hard-working, well integrated and doing something with a level of tenderness, expertise and care that is, in my experience, second to none. It is not unreasonable for businesses in the social care sector—I name Southern Cross in particular—to pay £7.02 an hour for that job.

Chris Ruane: I hear what the Minister has said. We should tackle the employers that treat their employees shoddily, not the employees themselves.

Mr. Byrne: My hon. Friend is absolutely right. That will take some fundamental changes to the way in which the immigration system is run. One of the founding principles of the points system that will be introduced at the beginning of next year is that employers will need a licence to sponsor people into the country, so that we will have a means of quality control.

Mrs. Dunwoody: What about the ones who are here now?

Mr. Byrne: My hon. Friend asks, from a sedentary position, about people—her constituents, I think—who are here now. I have made it my policy not to discuss individual cases in the Chamber.

Mrs. Dunwoody: There are 20 of them. What is the Minister going to do about the 20 that I have and the 50 that my hon. Friend the Member for North-West Leicestershire (David Taylor) has? We need an undertaking now.

Mr. Byrne: I ask my hon. Friend whether we can meet privately to discuss her constituents' cases and see whether there is something specific that we can do. As a general principle, the transitional guidance means that

[Mr. Byrne]

80 per cent. of people in that category are getting their leave extended. For those who are not, I challenge the employers to pay the going rate for the job.

Mrs. Dunwoody: That is not true. I have one minute, Mr. Illsley—

Mr. Eric Illsley (in the Chair): Order. We come to the next debate.

Westmorland General Hospital

1.30 pm

Tim Farron (Westmorland and Lonsdale) (LD): I am extremely grateful for the opportunity to engage the Minister on the matter of the acute service review at Westmorland general hospital. In spring 2006, the local Morecambe Bay hospitals NHS trust began a process of consultation on proposed changes to acute services provision at the hospital in Kendal. The consultation process formally began in the summer and concluded at the beginning of September last year.

The trust presented the public with four options, all of which constituted closure of or a severe cut to the coronary care unit and other acute services at the hospital. The public outcry against the proposals was enormous: more than 27,000 people signed the petition against the planned closures, a record-breaking 7,000 formal responses to the trust's consultation were received, and 6,000 people marched through Kendal in abysmal weather last September to protest against the proposals.

The outcome was that on 13 September 2006 the hospitals trust chose option three, which entailed the closure of the heart and stroke unit and other acute services at Westmorland general. It seemed clear to thousands of us that although we had been consulted, we had not been listened to.

The acute service review has been marked not only by a staggeringly dangerous final decision that will, undoubtedly, cost lives, but by a catalogue of maladministration, procedural flaws, management failures and broken promises, which, frankly, have brought the management of the NHS in south Cumbria into disrepute. The Minister will have done her research, no doubt. My great concern, if I can be entirely honest with her, is that the principal source of that research will have been the trusts themselves. I suggest that she take information from such sources with a pinch of salt, given that at the centre of my concern and that of just about every one of my constituents is a range of faulty decisions taken chiefly by the hospitals trust after a faulty process.

As I speak, preparations are being made for a judicial review of the consultation process. In addition, the Healthcare Commission is undertaking an unprecedented independent review of the process that led to the decision to cut acute services at Westmorland general hospital. However, it should not fall to private citizens—NHS patients and their relatives—to have to undertake the risks associated with legal and other actions when we have a democratically elected Government, and, in particular, the Department of Health, which has the power to be their champion, to exact justice and to ensure that fair decisions are made.

The hospitals trust, alongside the now defunct Morecambe Bay primary care trust, presented four options, all of which constituted a reduction in service. At the time, I made a formal request for the inclusion of further options including the status quo and an option to enhance services. My request was refused by the then hospitals trust chief executive, who stated that status quo was not possible and could not therefore be an option.

The trusts used a formula to assess the four options, but, incidentally, had no financial costings. Option 3 came out on top and triggered the movement towards closure of the heart and stroke units and all other acute medical services at the hospital. At a meeting of the joint health service overview and scrutiny committee in October 2006, however, the then acting chief executive of the hospitals trust demonstrated that the status quo option, which the trusts had refused to offer in the consultation, would have scored more highly across all the trusts' criteria than three of the four options that were presented in the review.

That graphic admission, if it were the only evidence, would be evidence that would render the consultation process flawed and unsafe. We were presented with incomplete options. Indeed, it appears that the selection of options was fixed and based on internal prejudices rather than fact. The evidence suggests that a decision had, in effect, already been taken.

There was no justifiable reason to exclude the status quo as an option in the consultation. Indeed, there was no justifiable reason to exclude an enhancement of acute services at Westmorland general. An enhancement such as the provision of a CT scanner would have been completely in line with the Government's stated policy of delivering NHS services closer to home. There was no justifiable reason for those options to be excluded. However, there was a strong unjustifiable reason—the decision to downgrade had already been taken. Before a single consultation response had been received, before the options were even presented, the trusts knew what they would conclude.

Only last month, thanks to a medical consultant, whom I will not name at this point, we secured further evidence that the decision to close acute services had been taken before the consultation had even begun. I paraphrase only slightly what the consultant told witnesses at a public meeting at Kendal town hall: "The consultants had argued for 10 years with our administration that acute medical services should be transferred from Westmorland general to Lancaster. The administration had resisted, but we saw our opportunity when the financial crisis occurred. We recognise that the consultation process was defective and we argued for accurate costs to be included, but the final decision was the one we wanted. That is all that matters."

Of course, the Minister may think that the consultants must be right, even though there is clear evidence of prejudice and maladministration. After all, they are the experts, are they not? However, the consultant in question was not a cardiologist, and a huge body of local clinicians fully object to the trust's conclusions. The consultant did, however, confirm the suspicions of many of us, when he clarified that the matter had been a done deal all along.

Let me explain that the trust presented its case for closure chiefly on two grounds. First, the financial imperative: the hospitals trust had a projected deficit of more than £12 million and had to make savings. Although that was the case at the time of the board's decision in September 2006, it is not the case now. Since that time, the trust has improved its financial standing, in part thanks to the Government's correct decision to overturn the old accounting rules so that trusts were not forced, in effect, to pay back their deficits twice over. That accounting change alone improved the trust's financial position by £6.3 million, and it completely destroyed its financial case for the closure of acute medical services at Kendal.

The second part of the trust's case for closure was ostensibly clinical. In a nutshell, the Royal College of Physicians produced guidance notes in 2002 which included a recommendation that consultants in acute medical care should not straddle more than one hospital. To follow that guidance to the letter would mean closing acute medical services at either Lancaster or Kendal. However, the guidance is just that—guidance. It is not an edict. Indeed, in answer to my written question last year, the then Secretary of State for Health, the right hon. Member for Leicester, West (Ms Hewitt), confirmed that it was only one of a range of considerations to be weighed up when trusts were deciding how best to allocate acute medical resources.

The principal alternative consideration to the guidance is the sheer distances involved in south Cumbria, which includes massive tracts of the Yorkshire dales and the Lake district. The Minister will know all about the golden hour in which patients must get to hospital to be stabilised in the event of a heart attack, for example. As things stand, more than half of my constituency is already an hour or more from hospital, yet the trust seeks to close Kendal and make dangerously ill patients travel a further 30 or 40 minutes to Lancaster or Barrow.

All acute medical crises have better outcomes the sooner they are treated by a full medical team of a doctor and specialist nurses situated in a fully equipped resuscitation room. Kendal has an excellent record of managing the initial stages of heart attacks and other life-threatening acute cardiac emergencies. I invite the Minister to review the statistics, which show clearly that timings at Kendal for patients getting vital treatment after the patient reaches the hospital door are significantly and consistently better than those for either Lancaster or Barrow. Outcomes are also excellent.

To counter the compelling clinical evidence against the preferred option of closure, the trust management presented the board at the crucial meeting on 13 September last year with new evidence secured at the last minute. It stated that no patient in the trust area would be more than 42 minutes away from the coronary care unit at Lancaster. The board accepted the figure, and the decision was taken to close acute medical services.

I can inform the Minister that she might make it from the north of my constituency to Lancaster in 42 minutes, if the Department were to provide her with her own jet pack. However, if she had access to an ambulance only, like the rest of us, the average journey time from, for example, Chapel Stile near Ambleside to Lancaster would be in the region of 75 minutes or more. On top of that, ambulance response times in south Lakeland are often in excess of 30 minutes. Having decided to close acute medical services, partly on the basis of that laughably faulty evidence, the trust sheepishly admitted a week later that it had been wrong and that the evidence presented to the board consisted of draft figures. The severely embarrassed board hurriedly agreed to change the figures, but carried on regardless with the plans to close acute medical services. I am no lawyer, but I know that any verdict based on faulty evidence is unsafe. At that point, the trust should have gone back to the drawing board, but it seems that it had already made up its mind, so why let a few faulty facts get in the way?

Sadly, the Morecambe Bay primary care trust voted to support the hospital trust and to back the closures, but providence prevailed. Owing to NHS reorganisation

[Tim Farron]

a fortnight later, the Morecambe Bay PCT was wound up at the end of September 2006. At the beginning of October, the new Cumbria PCT reacted with horror to the position that it had inherited and refused to endorse its predecessor's decision. Eventually, the PCT organised a group of GPs who used the strength of public opinion to win some concessions, including the retention of 50 GP-managed beds, but the trust continued to press on with the proposed closure of 70 per cent. of acute medical services at Westmorland general and, particularly, the loss of the coronary care and stroke units.

The Cumbria PCT caved in on the other 70 per cent., having been promised by the hospital trust that the closures would not begin until April 2008, and on the understanding that no movement towards enacting the acute service review would take place until Lancaster and Barrow hospitals had been upgraded to take on the additional capacity and until the ambulance service had been significantly enhanced.

The upgrade to the ambulance service to cope with the significant increase in journey distances would constitute a guarantee of at least one and normally two paramedics per ambulance, a 12-lead electrocardiogram on each vehicle, full telemetry and telephone contact on each vehicle—incidentally, something that just will not work in south Cumbria because of the terrain—and one additional ambulance serving the south lakeland area. At the moment, there has been no enhancement at Lancaster or Barrow hospitals and no upgrade of the ambulance service. Indeed, senior ambulance service managers stated candidly and publicly that they cannot, for example, guarantee even one paramedic on every ambulance.

The hospital trust's promise to wait not only until April 2008, but until all those measures are in place before moving towards closure was broken earlier this month. A report was leaked to me on 2 October showing that the hospital trust was beginning implementation of the acute service review that very week, with the closure of ward 11. I protested against that, and the PCT, to its credit, refused to support the document. Ward 11 was then re-opened, but not fully. It took a further week of pressure to ensure that the trust did more than just re-open it in name and re-opened it fully in practice. That latest demonstration of bad faith rightly led to a humiliating climbdown by the trust.

While all that was going on, nurses, doctors and other staff continued to provide outstanding service. Despite being undermined and working under a cloud of job insecurity in the knowledge that trust bosses have dealt with them and their patients unjustly, local NHS workers have not let us down. They deserve our praise and enduring gratitude, and I want to take the opportunity to register my thanks to them in this place. However, hospital staff deserve more than gratitude, and I am asking the Minister to give Westmorland general hospital staff and the whole south lakeland community what they deserve. I am simply asking the Minister to undertake a full review of the facts, with a view to instructing the local NHS trusts to go back to the drawing board, and to instruct the Cumbria PCT to lead new consultation in which all options are fully considered and due process is observed.

A decision to close life-saving services that was clearly prejudged and chosen from a deliberately inadequate list of options, based on laughably inaccurate information about ambulance journey times, that failed to gain the confidence of the PCT and that has been pushed by a trust that has lost the confidence of the community that it serves stands to bring the NHS into disrepute. Only last month, 4,000 of us formed a human shield around the hospital to demonstrate our support for medical emergency services there and our opposition to the closure of those services. Eighteen months from the start of the consultation process, the acute wards at Westmorland are still open. We, the community, take some credit for that. We will not accept a decision that is both wrong and wrongly arrived at, and which is unsafe in both the legal and medical senses of the word.

1.44 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): I congratulate the hon. Member for Westmorland and Lonsdale (Tim Farron) on securing this debate. I am aware of his keen interest in the future of health services at Morecambe Bay, particularly in the future of Westmorland general hospital. I also pay tribute to all the NHS staff in Cumbria and Lancashire who have made such an enormous contribution to improve the local NHS.

As is the case throughout England, Cumbria PCT has received major increases in resources to improve the health service for its local population. During the two years 2006-07 and 2007-08, Cumbria PCT will receive an increased allocation of £108.4 million. In the hon. Gentleman's area of the North West strategic health authority, the extra funding received since 1997 has provided 1,153 more consultants, 544 more GPs and more than 11,000 more nurses. All those professionals make a huge contribution to health care in the hon. Gentleman's constituency.

Waiting times have greatly reduced as a result. In the north-west, the number of people waiting more than 26 weeks for in-patient treatment has fallen to 10, and only 16 are waiting more than 13 weeks for an out-patient appointment, compared with more than 61,000 in 1998. All staff should be congratulated on that major achievement, which is real progress. However, we recognise that, alongside record investment, reform is needed to deliver a national health service that provides health care fit for the 21st century.

As part of those reforms, many NHS organisations are considering with their local stakeholders changes to the way in which they organise their services. I am sure that the hon. Gentleman will agree that hospital and community services must adapt if we are to continue to meet patients' needs and to improve access. I am also sure that he will agree that it is right that those changes should be driven locally and in conjunction with patients, clinicians and other stakeholders.

In 2006, the university hospital of Morecambe Bay trust and the then Morecambe Bay primary care trust identified strong clinical and financial reasons why the pattern of acute medical services needed to be reviewed and undertook a review and consultation. The review's aim was to improve the management of patient flows—the patient journey—operational management and bed usage. On the clinical front, the overriding consideration is, and always has been, patient safety. Consultant physicians at Westmorland general hospital had raised concerns about the admission of acute medical patients to the hospital and their management on several occasions. In addition, the Royal College of Physicians issued guidance on the minimum resources, both human and capital, required.

The review's report was considered by the overview and scrutiny committee of elected local councillors, who recognised the need to move forward, but raised concerns and recommended some modifications. To accommodate those concerns, the Morecambe Bay NHS Trust and the newly formed Cumbria PCT initiated a planning process that focused on clinicians and clinical issues from primary and secondary care perspectives. The aim was to establish a new consensus across the clinical spectrum and to reflect the perspectives that had been articulated during both the consultation and the subsequent engagement with public and patient groups, which was not easy.

As a result of that work, a new clinical model for acute medical services emerged, which was more responsive to the needs of local residents and significantly supported a more integrated general approach by the PCT to the health systems throughout the county. Proposals relating to the Westmorland general hospital were consulted on between June and September 2006, and the preferred option has since been subject to further work. Westmorland hospital has since fallen under the remit of Cumbria PCT. The proposals relating to the hospital will now be taken forward as part of the Cumbria-wide whole system review. The consultation on the review commenced on 27 September and will run for three months. It does not cover the services provided at Westmorland general hospital, and the proposals that were previously considered will not be revisited. Proposals for the reconfiguration of services are a matter for the NHS locally, working in conjunction with clinicians, patients and other stakeholders, and they are built on a sound clinical case for change.

Until such time as the Cumbria-wide review is completed, it would be inappropriate for me to comment further on the details of the consultation, as I am sure that the hon. Gentleman realises. However, under the current proposals, I understand that Westmorland general hospital will become a diagnostic, treatment, care and rehabilitation centre, designed to offer quality services to meet the needs of the local community. The proposed redesign and development of the unscheduled care facilities at the hospital will therefore be in line with the developing Cumbria-wide strategic plan for delivering urgent care services.

The shared clinical vision for the future is that acute medical care will build on the expertise of clinicians from primary and secondary care. The development of the vision for Westmorland general hospital sets the future of services in the broader context of care and rehabilitation for patients at home, in the community and in hospital—an important aspect of aftercare rehabilitation. That vision is very much in line with the White Paper "Our health, our care, our say", which signalled a shift towards a greater concentration of specialist services for those who need them, while more care would be provided closer to people's homes to deal with cases where treatments no longer required a hospital visit. All aspects of health care change regularly, as they should, and that important point is very significant to today's chronic management of care.

In future, some patients may no longer be admitted directly to Westmorland general hospital. Such patients are those whose diagnosis is such that they would be deemed to be at risk if they were not admitted straight to a more specialist acute hospital, so it is absolutely right that they should be transferred to neighbouring sites. For example, someone who has a stroke needs to be in hospital, given a brain scan and seen by a specialist within three hours to determine whether they can be given the clot-busting drug that can make the difference between permanent disability and walking out of hospital again. Not everyone can have thrombylosis, but we need to act quickly to find those who can. The required scanning facilities are not available at Westmorland general hospital, but once the patient is medically stable, it would be possible to return them there for the remainder of their care and, most importantly, their rehabilitation. That is progress, and we should acknowledge and cheer it.

I am pleased to say that the delivery of a new emergency floor at the Royal Lancaster infirmary, comprising an acute assessment unit, an in-patient, short-stay medical/surgical ward and a coronary care unit, is well advanced, and it is planned to open those facilities in December. Providing care and rehabilitation at Westmorland general hospital for patients who currently receive their acute specialist care in Lancaster, or who will receive it there in the future, will have a positive impact on patients' lengths of stay in the Royal Lancaster infirmary.

Tim Farron: My fears have been realised, in that the trusts with a case to defend are the source of the Minister's information. In no way do I demur from her earlier comment about the importance of the health service specialising and modernising, but does she agree that we need to take a balanced view of what is most relevant in every case? To put it bluntly, there is no point in having all bells and whistles at Lancaster if someone is dead on arrival. If someone has an hour-and-a-half journey from the point where they have their emergency to the point where they arrive at hospital, that will, to say the least, be counter-productive. Given that the planned closure of the heart unit will take place in April 2008, unless someone intervenes to prevent it, will the Minister at least agree to force the PCT to review the consultation, so that any decision that is made—whether to close or otherwise—can be deemed medically and legally safe?

Ann Keen: The hon. Gentleman's point would be valid if the facts that he gave earlier about the ambulance service were correct, but the upgrades have taken place. I will happily meet him to share the information that I have received about the upgrades to ambulances and the ambulance service itself.

Tim Farron: Is that information from the ambulance service?

Ann Keen: Yes. It is important to put that on record.

The PCT and North West Ambulance Service NHS Trust are working together to produce better services for the south lakeland population. There will be investment

[Ann Keen]

in a range of service provision, including manpower, vehicles and equipment. It is accepted that additional training and a lead-in time will be needed to ensure that staff are trained. I hope that that meets the hon. Gentleman's concerns.

When we talk about reorganisation and improvement, we are talking about providing better, safer services. The desire is to achieve better outcomes for patients, including increases in safety and quality of care, and that is ultimately what is driving the change. If change is clinically led through consultation, with all the experts working together, difficult as that may be, the desired outcome is better patient care. We have to go along with such discussions, and we have a duty to see them put into practice to ensure patient safety and patient care.

I am reassured to know that no services will change until clinicians are satisfied that it is safe to proceed and that no services at Westmorland general hospital will close until local NHS organisations are satisfied that ambulance service provision is the same as the current service or better. It has also been agreed that the overview and scrutiny committee will be kept informed by means of regular six-monthly reports and prior notification of specific service changes that will take place.

The trust believes that it has a robust and sustainable plan for the future of Westmorland general hospital and the community that it serves. It continues to work to deliver improved services to communities in Cumbria. It is the duty of all of us to ensure that we do not raise patients' and families' anxieties to a level that is not justified, when people are working to such safe clinical ends.

To sum up, reconfiguration is about modernising treatment and improving facilities to improve patient outcomes, to develop accessible services closer to home and, most importantly, to save lives. I remind the hon. Gentleman that proposals for the reconfiguration of services are a matter for the NHS locally, working at all times in conjunction with clinicians, patients and other stakeholders, and that such proposals are built on a sound clinical case for change. I therefore encourage him to continue to engage with his local NHS on the way forward for services in Westmorland. I feel confident that Nye Bevan today would say to us what he said almost 60 years ago:

> "the service must always be changing, growing and improving—it must always appear inadequate."

We must always do more to achieve that goal, and we will do so.

Question put and agreed to.

Adjourned accordingly at two minutes to Two o'clock.

Westminster Hall

Wednesday 24 October 2007

[Mr. David Marshall *in the Chair*].

Football Matches (Standing Spectators)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Blizzard.]*

9.30 am

Mr. Roger Godsiff (Birmingham, Sparkbrook and Small Heath) (Lab): It is always a pleasure to initiate a debate under your wise and experienced chairmanship, Mr. Marshall, and it is a delight to see you.

I extend my congratulations to the Minister on his new appointment, although in his short tenure his record of sporting success is pretty dismal. Wales and Northern Ireland are out of the European championship, and England and Scotland are unlikely to qualify.

Kate Hoey (Vauxhall) (Lab): On a point of order, Mr. Marshall. Northern Ireland are not out of the European championship—they have only to beat Denmark and Spain to qualify.

Mr. Godsiff: Of course, I accept entirely what my hon. Friend says—I am sure that Northern Ireland will, as always, battle to the end.

To return to my point, the new Minister's sporting record is dismal. The England rugby team are in demise and are no longer world champions, the England cricket team are in the doldrums, and Lewis Hamilton managed to snatch defeat from the jaws of victory in the Formula 1 championship. However, I hope that the Minister might today play an absolute blinder and, in doing so, endear himself to many genuine football fans in the country.

I do not wish to make the debate too technical or legalistic by referring to the various Acts that cover safety at sports grounds or that arose from the Bradford and Hillsborough disasters. The debate ought to be about whether the provision of safe standing areas at the highest level of English football is safe and desirable, and not about the intricacies of deciding what legislation to alter. Having said that, the abolition of terracing was not included in legislation—the power to do so rests with the Secretary of State for Culture, Media and Sport. If he decided tomorrow that standing areas were to be allowed at premiership and championship football matches, on a recommendation, say, from the Minister, the Football Licensing Authority would have to allow it and the football authorities would have no option but to change their rules to allow clubs to comply with the change in the law.

The issue of approved safe standing areas at premiership and championship football grounds might not be of great concern to the wider public, but it is of concern to the many thousands of supporters who frequent football matches in the top two leagues. Many of them stand up during matches, such as the away support of Manchester United, and many see home supporters standing either for all or part of a match. Standing supporters are in contravention of premiership and league rules, and the safety authorities of local councils have, on occasion, penalised the home club because away fans were allowed to stand through a whole match because stewards were unable or unwilling to force them to sit down or to expel them.

If legal safe standing areas were allowed at football grounds when there is a demand and when clubs wished to introduce them, the current problem of illegal standing would be resolved. I emphasise the importance of a club's wishes, because I am not suggesting that clubs be forced or obliged to introduce standing areas. Allowing safe standing would mean that those who wish to stand would have an area in which to do so, and those who wish to sit would have dedicated seating areas.

David Taylor (North-West Leicestershire) (Lab/Co-op): I congratulate my hon. Friend on securing this debate, but does he agree that we need to stress the voluntary nature of his proposal? The Foxes Trust, of which I am a member, is associated with Leicester City football club. It is surveying visitors to Leicester City to find the level of support for safe standing. It is no surprise to find that football supporters want to feel that they are part of a crowd, and not a member of the audience—that is the thrill of the game.

Mr. Godsiff: I could not agree more with my hon. Friend, and I shall come to discuss the issue he raised. Of course, everybody stands up when a goal is scored or when a player is substituted and applauded from the pitch.

Before developing the reasons why safe standing areas ought to be allowed only when clubs and fans want them, I wish to deal with some of the myths and untrue assertions that have led us to the situation in which we find ourselves today. First, we must go into the history. Prior to the terrible tragedy at Hillsborough on 15 April 1989, professional football institutions had a complacent attitude and oversaw a chronic lack of investment in spectator facilities. In the 1970s and 1980s, a hooligan and violent element attached itself to football, especially at the top levels, which resulted in pitch invasions and violence, often organised by rival groups of hooligans. I have deliberately not described them as football supporters because they were not—they were violent hooligans who attached themselves to football and used traditional club rivalries as a cover for their criminal activities.

The Government of the time responded by introducing legislation to oblige clubs at the top level of professional football to segregate fans and, more contentiously, to erect fences to stop incursions on to the playing area. Tragically, the latter decision was to have fatal consequences. On 15 April 1989 at Hillsborough, an FA cup semi-final was being played between Liverpool and Nottingham Forest. Liverpool fans were allocated the Leppings Lane end, which had open terraces with a fence at the front, the gates of which were locked. The official report into the disaster—the Taylor report—makes it clear that the appalling tragedy of the 96 people who were killed was caused by too many people being allowed into the Leppings Lane enclosure. The pressure on spectators at the front increased, but there was no means of escaping on to the pitch. The Taylor report apportioned blame to the police, stewards, ground authorities and fences but did not say that the tragedy would not have occurred if the Leppings Lane stand was an all-seater.

[Mr. Godsiff]

Even now, those of us who listened, as I did, or who watched on television as the tragedy unfolded, remember feeling vividly a sense of helplessness. I cannot imagine the feelings that the bereaved families went through at the time or in the years afterwards. However, I must reiterate that standing supporters did not cause the tragedy. The tragedy was caused by the fact that too many fans were allowed into an enclosed area with no means of escape—they were fenced in.

My good friend the Minister represents a Bradford constituency. Bradford also suffered football tragedy. On 11 May 1985, a fire started in the main stand of Valley Parade. Everyone in the stand was sitting on wooden seats. The fire spread rapidly and, owing to a combination of events, 56 people were killed. Those tragic fatalities did not occur because all the fans were sitting down. They occurred because rubbish caught fire under the wooden floors, and the fire spread rapidly because everything else in the stand was constructed of wood.

I revisit those painful events to make the point that two appalling tragedies have taken place at football grounds in Yorkshire: one in a standing area enclosed by a fence and the other in a seated area in a wooden stand. However, the myth has grown that standing to watch football is inherently unsafe. It is not true.

After the Hillsborough tragedy, an inquiry was set up under Lord Justice Taylor. He produced an interim report, followed by a final report in January 1990. The Taylor report called for a major investment in professional football to improve facilities. It made many recommendations, covering a range of issues, including how many people should be allowed in standing areas and how that should be monitored. The overwhelming majority of the recommendations were welcomed by football supporters and have stood the test of time.

Lord Justice Taylor also recommended all-seater stadiums for the top two divisions of English football and the top division in Scotland. It is crucial that we read the report to see exactly what he said and the context in which he said it.

David Taylor: Will my hon. Friend give way for a second and final time?

Mr. Godsiff: By all means.

David Taylor: My hon. Friend is right that there were no specific recommendations covering the broad mass of football, but does he agree with me that one of the specific recommendations that Lord Justice Taylor did make—he could not have been clearer—was that clubs should not use the advent of all-seater stadiums to ramp up prices, yet that was blatantly ignored, which has been a contributing factor to some of the problems that we have seen in the years since? Does my hon. Friend agree that that was a specific recommendation and that it was ignored by football league clubs and others?

Mr. Godsiff: As always, my hon. Friend makes an excellent point. It is true that that is exactly what Lord Justice Taylor said. I shall return to that point.

Let us examine exactly what Lord Justice Taylor said:

> "There is no panacea which will achieve total safety and cure all problems of behaviour and crowd control. But I am satisfied that seating does more to achieve those objectives than any other single measure…It is possible that in the early stages of conversion there may be instances of fans standing on the seats or in front of them because they are used to standing or in order to register a protest, but I am satisfied that in England and Wales as in Scotland and abroad spectators will become accustomed and educated to seating."

Lord Justice Taylor's expectations in respect of seating have definitely not been realised.

As a result of the Taylor report, the Government provided more than £100 million of public money in a variety of ways to improve facilities at professional football grounds. In the 1992-93 season, the premiership was formed and vast amounts of money then flowed into football at the highest level—mostly, it has to be said, into the pockets of players, their agents and assorted advisers.

The premiership is the richest league in the world. Chief executives, particularly the current one, Richard Scudamore, have been brilliantly successful at maximising its income and turning it into a worldwide brand. Fabulously rich oligarchs, entrepreneurs and business men have acquired ownership of a number of clubs. Whether those trends are good for football or the national team and whether they are welcomed by football fans is a matter of opinion, and it is not necessarily relevant to this debate—with one exception.

When the Taylor report was published and the impression was put around that any standing area in top football grounds was unsafe, it suited the owners of many top clubs to replace standing areas, where entry prices were cheap—the point made by my hon. Friend the Member for North-West Leicestershire (David Taylor)—with seated areas, where much higher prices could be charged, particularly as the majority of the money to make the changes was coming from Government sources or the pools companies. The premiership has greatly increased the move towards higher ticket prices, with more corporate areas, and many fans of top clubs find watching premiership football live more and more expensive.

Mr. Jim Devine (Livingston) (Lab): I congratulate my hon. Friend on securing the debate. Perhaps I can give him some encouraging news. Pearse Flynn, the owner of my local club, Livingston, was very keen, once Livingston were in the premier league, to have standing areas, not only because prices would be cheaper but because he saw it as a way of increasing the size of the crowd. The average crowd in a 10,000-seater stadium was about 4,000 or 5,000 unless Celtic or Rangers were playing. I thought that that was a very good initiative, and it needs supporters. There are people out there who own football clubs and support the drive that my hon. Friend is making.

Mr. Godsiff: My hon. Friend makes an excellent point; he is absolutely right. As I would expect, and as always, Scotland leads the way. However, what he describes is not happening just in Scotland. There are owners of football clubs elsewhere in the United Kingdom who support safe standing areas, but I will develop that point later.

When fans asked for safe standing areas to be provided on grounds of choice and cost, they were originally told that standing was unsafe. When people pointed out that clubs in Germany and elsewhere on the continent had provided dedicated safe standing areas, and when people asked why, if standing was unsafe, the premiership had allowed one of its member teams, Fulham, to play for more than a year with open terracing behind one goal instead of closing that area of the ground, the argument changed. Fulham is an excellent example. Its situation is analogous to that of a hospital that is suddenly discovered to have a load of viruses in it, but the health authority, instead of closing it down, says, "Well, we'll leave it for a year because it's going to be rebuilt in a year anyway." The premiership was saying, "Standing is unsafe, but we will allow one of our member clubs to have standing until such time as it gets round to putting in seating." That is just one of the many contradictions and hypocrisies in this matter.

Instead of it being said that standing was unsafe, the new line was peddled that it was outdated, not modern and not in keeping with the global image of the premiership, that there was no real demand for it, that it would be turning the clock back and that it would cost too much money to provide safe standing areas. When that argument was challenged, a new argument was added. It was then argued by the premiership and the FLA that if an element of safe standing was introduced into top grounds in England, no international or European games could take place in those grounds, because FIFA and UEFA regulations do not allow people to stand at international or European matches. However, it was pointed out that every ground in Germany has safe standing, that 24,000 people stand at each match in a single stand at Borussia Dortmund's ground, and that German stadiums are reconfigured quite simply for European and international matches.

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): I am sorry to interrupt my hon. Friend, but I just want to correct him. UEFA rules are that stadiums have to be all-seater to be involved in European competition. In Germany, there are flexible stadiums, and seats are put in for UEFA games.

Mr. Godsiff: I am grateful for the intervention from my hon. Friend the Minister because it is just the point that I intend to make. We want to have the same situation in this country as that which pertains in Germany. I accept his point about UEFA. It is clear that an international match must have an all-seater stadium, but in Germany, when domestic matches are played, the grounds are reconfigured and the seats are turned into safe standing areas. Furthermore—to put the icing on the cake—the World cup in Germany was played very successfully in those grounds, which have gone from seated to standing and back again.

When those arguments were put, the premiership and the FLA gave up. They did not have any more arguments. However, in the best tradition of British civil servants, a certain gentleman who was the chief executive of the FLA stated in an interview in 2002 that there was

"more chance of Martians landing"

than of the reintroduction of terraces. Some might regard that comment by a civil servant as hardly neutral and unbiased, but that is what he said—and he is in charge of the FLA.

Mr. John Leech (Manchester, Withington) (LD): I welcome this debate. To put it in context, I stood on the Kippax stand for 20-odd years before we were forced into an all-seater stadium at Maine road. Does the hon. Gentleman agree that one of the reasons for the reluctance to change back to safe standing is crowd control? Security guards who are looking at the crowd can see what is going on much more easily in all-seater stadiums. One of the ways to deal with that when reintroducing safe standing would be to have individual standing places.

Mr. Godsiff: Absolutely. The hon. Gentleman's last point is particularly pertinent. Nobody is suggesting for a minute that we should go back to the old system of wide-open terraces with unlimited access to standing areas. In Germany, people entering a safe standing area have tickets and, more to the point, the local safety committee limits how many people can enter and how many can stand safely. His point is a good one. I shall return later to the chief executive of the FLA.

Nobody is suggesting that clubs should be forced to provide safe standing areas. As I have demonstrated, and as all hon. Members here know, with modern inventions and innovations, such as those in Germany, it is quite easy for a seated area to be turned into a safe standing area by adapting the seats, but the premiership and the FLA have turned a blind eye to that.

Every week in most premiership grounds, fans stand to watch the match. Sometimes they stand in areas that are unsafe due to the elevation of the seats. Any Newcastle United supporter who has seen how their stands go up into the heavens will know that anyone who stands at the top is taking their life in their hands. It is highly dangerous.

When my club, Charlton Athletic, played in the premiership against Manchester United, the Manchester United fans occupied the whole away end, and they stood up to watch the match. The stewards and police were not going to eject 3,000-plus fans from the ground for standing up. Charlton, the host club, could not threaten to ban them from matches because they were Manchester United fans and not Charlton ones. All that happens in such a situation is that the FLA restricts how many seats a club can sell in the away end, thus penalising the club. Charlton and other clubs would like the option to introduce safe standing areas.

There is a clear contradiction between the treatment of supporters of premiership and championship clubs and the treatment of those who watch other sporting events and football leagues. Premiership and championship supporters are forced to sit to watch matches or run the risk of being ejected, whereas week in, week out, thousands of people stand to watch league one or two matches, rugby union, rugby league and horse racing. Indeed, in his report, Lord Justice Taylor went out of his way to say that having all-seater horse races would impact on—indeed, destroy—what horse racing is all about. He said that people must be free to move around, and that that was part of horse racing.

Alan Keen (Feltham and Heston) (Lab/Co-op): Has my hon. Friend ever seen groups of horse racing supporters threatening each other and calling out nasty things, or do they tend to get along in a friendly way?

Mr. Godsiff: I do not go to horse races very often, but I occasionally watch a big race on television, as I am sure my hon. Friend does. At the Cheltenham gold

[Mr. Godsiff]

cup, one can see a massive open terrace packed—far more packed than many terraces in England or Scotland used to be 40 years ago—with people standing up. I accept that it might be a nice bunch of people who go to horse races, but the fact is that they are standing cheek by jowl—thousands upon thousands of people—yet it is quite legal because, according to the regulations, it is safe.

Recently, a big rugby league match was played at Old Trafford. I saw it on television at 5 o'clock on Saturday afternoon—quite possibly the Minister saw it, too—at the home of Manchester United. The ground was nearly full, and fans were standing, quite legally, because the regulations do not apply to rugby league matches. The following week, when Manchester United played on the same pitch before a full house, everybody had to sit down, because the regulations apply to football supporters in the premiership and the championship. That is just another contradiction and nonsense in the current legislation.

It would at least make some sense if, instead of aiming legislation at the sport, we aimed it at the ground and said, for example, that at any event at Old Trafford, everybody had to sit down. Local safety people can lay down their own regulations, but rugby league fans can go into Old Trafford, stand up and not break any regulations. Indeed, it is not considered unsafe. That is nonsense, as I have said, and the FLA, which is charged with enforcing the regulations, knows that they cannot be enforced. Its chief executive, Mr. John de Quidt, who earns £72,105 plus an £8,000 performance bonus, said in his 2006-07 annual report:

> "Progress on tackling persistent standing in seated areas continued to be disappointing...a vocal minority insist on standing...We have long recognised that, if a significant numbers of spectators are determined to stand, the options available on the day are limited."

I wonder whether he got his £8,000 bonus.

In recommending all-seater grounds for premiership and championship clubs, Lord Taylor stated the belief in his final report that fans would come to accept all-seater stadiums—I have read the relevant paragraph. It is now clear with the benefit of hindsight that that prediction was wrong. Eleven seasons after the introduction of all-seater stadiums in the top two divisions, significant numbers of fans regularly stand at matches. The contradictions and inconsistencies increase all the time.

The inconsistency of approach was illustrated by a caller to a BBC Radio Five Live phone-in on standing and seating at football matches. The caller said:

> "Having been made to sit to watch the match, supporters then walk en masse to the railway station and car and coach parking areas, many walking in the road weaving between traffic. They stand to queue to enter the railway station and then onto crowded platforms where approaching trains pass—often on electrified tracks with no protective guard rails. Then they board the crowded trains with many people having to stand. All this is legal and allowed by the authorities."

The caller then posed this question:

> "Having been told by a senior railway manager that commuters must expect to stand at peak periods, how come I'm not allowed to stand when watching my football team but told that I must stand when I'm commuting, when the football stadium isn't moving at 70 mph?"

There is no answer to that question. There is no logic behind the rule that says that it is wrong and unsafe to stand up to watch a football match but that it is perfectly safe to stand in a crowded train travelling at speed.

I have tried to set out the reasons why I believe that safe standing areas should be allowed in premiership and championship grounds when matches are being played. The Football Supporters Federation has submitted a report to the Minister setting out similar arguments. I know that my hon. Friend has a copy, but I draw his attention to the introduction. It was written by Dr. Anne Eyre, a survivor of the Hillsborough tragedy, who argues that the question of safe standards should be properly debated, because too many incorrect myths and assertions are being made. Today, we are taking part in that debate.

In a nutshell, football supporters do not want to watch football in unsafe grounds; they do not want to see a return to the mass terraces of old; they do not want to prevent people from sitting if they want to; and they do not want to force clubs to have safe standing areas if the clubs do not want them. What I and other football supporters want is to be allowed the choice of safe standing. I want clubs to have the option, if they choose and if there is a demand from the fans, to put in a safe standing area.

The Taylor report arose out of an appalling tragedy. It was a long, detailed and good report, and many of its recommendations had the overwhelming support of football supporters and have stood the test of time. However, the recommendation on all-seater stadiums for premiership and championship clubs has not stood the test of time. Watching football while standing is not inherently unsafe. The no-standing regulations are not only flouted every week, but are unenforceable and throw up one contradiction after another.

In 1995, a politician, who is no longer a Member, said that safety must always be the number one criterion. He said that

> "there is no reason to ignore technological improvements made since Taylor reported, which might now allow for safe standing."

That politician was Tony Blair. Twelve years on, those technological advances have gone further still: for example, Germany staged a highly successful World cup in stadiums where everybody sits for international matches and where all seats are reconfigured to allow standing at domestic matches.

Week by week, the contradiction grows. It is all right for fans to stand in all-seater stadiums to observe a minute's silence, to applaud the life of someone who has died or to sing the national anthem, but it is not safe to stand to watch the match. It is all right for fans to stand up when a goal is scored or for thousands of people to jump around at a pop concert at a major football ground, but you cannot stand to watch a football match. It is all right for commuters to be herded into packed carriages, standing in trains being driven around at 70 mph, because that is not deemed to be unsafe. Indeed, while we are about it, Mr. Marshall, in this hallowed place it is all right for nearly 650 MPs to try to squeeze into the Chamber, which has seating for only 400. That, presumably, is not unsafe, but no one can stand to watch a football match in a safe standing area, because it would be deemed unsafe.

The whole business is nonsense. The only way that the FLA can prevent away fans and some home fans from standing, such as those from Manchester United, Aston Villa and other clubs listed in Mr. de Quidt's report, would be to install seat belts for away fans. They would have to be like airline-style seat belts, with stewards checking that everyone is locked in to allow the match to start. That is the logic of the argument. How else can it be done?

Once the Minister has studied the submission from the FSF and listened to what has been said today, I hope that he will acknowledge—using the words of our civil servant, Mr. de Quidt—that there is life on Mars and that the Martians have landed here. If he wants to know where they are, he might see them standing behind a barrier in a safe standing area watching a top football match.

Mr. David Marshall (in the Chair): It may help if I intimate to Members that I intend starting the winding-up speeches at 10.30 am. Three hon. Members have applied to speak, so if hon. Members are considerate, everyone will hopefully get in.

10.5 am

Alan Keen (Feltham and Heston) (Lab/Co-op): I congratulate my good friend, my hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff), on securing the debate. Some might not realise it, but football is extremely important to millions of our constituents, so it is vital that we have such debates.

I have a great regard for Charlton Athletic football team. Despite my accent, it is the closest team to where I was born, so I have a soft spot for it. I am delighted to find that football is not all love and peace nowadays—for instance, just because Charlton have been relegated, my hon. Friend decides to attack the sports Minister about English rugby, English football, Northern Ireland football and Scottish football. I am joking, of course, just as my hon. Friend was, but it is good to see that there is still some spite left in football.

I shall not speak about the difficulty involving the engineering required to change existing grounds, or about the difficulties of the European international competition. I shall speak only about the change in culture. It is nothing to do with standing being safe or unsafe. First, however, I shall address a couple of points raised by my hon. Friend when summing up.

If Piccadilly line travellers hated District line travellers with the same intensity that football supporters hated each other—we see it every week at football grounds—there would be bans. They would be completely segregated, but that is not so. Of course, it is safe to stand for the national anthem—that is a time when even football hooligans can be relatively peaceful. We have seen a culture change in that respect because we used to hear whistling and booing throughout, and that is a good thing. All-seater stadiums have helped to change the culture of football.

My hon. Friend's last point was about standing in a crowded House of Commons Chamber. I have to admit that I sometimes get close to crossing the Floor as a result of the attitude of at least one person on the other side. That feeling of aggression is still there, and it cannot be removed.

I am probably the oldest Member here this morning, and I can remember travelling to football grounds in London in the 1960s when I was in the forces. There was no segregation; I stood with Millwall supporters and watched the games quite peacefully. Only after that did the culture start to change. No one was more upset than me when standing was banned because that was the culture throughout my football supporting life. I felt angry when seating was imposed on clubs, but for a long time I knew that the culture would have to be changed.

The 1980s were appalling. From the late 1960s through till the mid-80s, when I was working for Middlesbrough football club, at virtually every game I was in the directors' box and saw fans chanting at both ends of the ground. I remember well a game that I saw after I had finished working for Middlesbrough. I am sorry to mention Ipswich Town in front of the hon. Member for Colchester (Bob Russell), who is not happy that they beat his home side last night, but theirs was the first ground at which I stood with a Middlesbrough crowd. I was horrified by the racism, viciousness and chanting that went on. I almost ended up fighting with my fellow supporters because of that. Going to football grounds in those days was a dreadful experience and we do not want to go back to that.

It is not a case of having to strap supporters down to stop them moving about. The seats make it difficult for people to move about. I was horrified when I first saw the photographs of the German so-called safe standing because it would still have been easy for people to move about quickly and they would then be unidentifiable to those trying to monitor bad behaviour.

I spoke to the previous sports Minister, my right hon. Friend the Member for Sheffield, Central (Mr. Caborn), only half an hour ago in the Tea Room. He told me that, at the debriefing after the World cup in Germany, it was said that the German football association would look again at safe standing in Germany. Beckenbauer himself said to my right hon. Friend, "You were right. We've got to go back to all-seater stadiums."

10.11 am

Mr. Mark Field (Cities of London and Westminster) (Con): May I also congratulate the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) on securing the debate? I suspect that his support for Charlton Athletic is tactical and means that he does not upset half his constituents, who are going for either Aston Villa or Birmingham City. He made some interesting points. It is rare for we in this House to discuss the national game, which is close to my heart. I always appreciate it when the hon. Member for Feltham and Heston (Alan Keen) invites me to all-party football group events. I am one of only a few Conservatives with a passion for the game and I want to say several things in this debate.

The hon. Member for Birmingham, Sparkbrook and Small Heath cited a lot of the historical analysis. We had fences because of the hooligan debate in the 1970s and 80s, as a result of which there was a sense of penning in a whole lot of fans. I would not disagree

[Mr. Mark Field]

with what he said about terrible disasters: the two in 1985 at Bradford City and Heysel, and then that at Hillsborough four years later. Of course, the authorities were partly to blame for locking gates at Bradford, which was why the death toll was so high. There were no fences and many fans in that wooden stand who were able to save their lives were able to come on to the pitch. However, that lesson was not learned four years later on that terrible day in April 1989 when, although a lot of drunken hooligans contributed to the problem, the main issue was that a fence could not be removed quickly, and also the authorities were very slow on the uptake. Those issues still live with us. It is legitimate for us to have a debate about footballing matters, as has been pointed out, because many tens of millions of pounds of public money—more than £100 million—was spent on improving our football stadiums following the Taylor report.

I have had the opportunity of watching two games in London in the past six weeks and I have seen both sides of the argument. I went to Loftus Road to watch a Queen's Park Rangers match in the championship, and I visited the newest football ground in not just London, but England—Victoria Road, which is the ground of Dagenham and Redbridge—for a league 2 game three or four weeks ago. There was little doubt that the atmosphere there, even though it is a much smaller ground, was tremendous. There were seated and standing areas. Dagenham and Redbridge is clearly a great little family club and it prides itself on that. I was there to watch Bury, whom I have followed through thin and thinner over the years, and I was particularly delighted to find both their fans and Dagenham and Redbridge fans having a drink together in the bar before going to watch the game, albeit in segregated parts of the ground.

The atmosphere has clearly been affected by the fact that we do not have the opportunity and option to have standing areas. I have some concerns about the notion that we now turn the clock back. In many ways, discussing whether we have seated or standing areas is yesterday's argument. The reality is that if are to have the voluntary code suggested by the hon. Member for Birmingham, Sparkbrook and Small Heath, I am not convinced that that many clubs will want to change things. I fear that this is down, in part, to the management of the clubs.

There are those of us who have been passionate football fans. I remember what it was like in 1985, when attendances were at their post-war low and there was a real question about whether this national game was sustainable and, certainly, whether 92 professional clubs could be sustained. I wonder whether the ebb and flow might mean that we see lower gates in years ahead.

Speaking as a keen watcher of football on Sky Sports, it is evident, even for a number of premiership games, that matches are played in half-empty stadiums. The route forward might be that the Bolton Wanderers or Middlesbroughs of this world take the view that a voluntary code provides them with the opportunity to have a flexible policy over a period of time.

I have to say to the hon. Gentleman that I fear for our national game. In many ways, it would be useful if, at some point, we had a much broader debate about issues beyond standing. It is easy to blame agents, but there is endemic corruption throughout much of our game. There is administrative incompetence to a large extent, whether in the premier league or the football league, which has allowed, or meant that a blind eye has been turned to, all sorts of financial irregularities. They are not just something of the past; they are ongoing. I am sure that he, like me, has read Tom Bower's book about the greed of football. I suspect that that is an ongoing issue. It is easy for the professionals in the game and all their friends in the media to point the finger at the greedy agents. A lot of greed and financial corruption is going on in the game as it stands, and little regard is being paid to the paying public—the spectators—who want to play their part. I fear that if there was a voluntary code, it would not achieve all that much, because the clubs would be happy to carry on with the situation as it is.

We now have some tremendous international stadiums. I have had the privilege of going to the Emirates stadium on two or three occasions in the past 18 months since it got up and running. However, we in London have particular concerns in respect of a number of premiership clubs and their stadiums getting ever larger, including at Arsenal. We are seeing possible expansion at Tottenham Hotspur and Chelsea, and Fulham, as was mentioned earlier, is now a premiership club, whereas only 10 years ago the team was playing in the lowest professional league. In all these cases, there is enormous pressure on transport services, although little attention and money has been given to that in relation to football and its wider responsibilities.

I fear that, in many ways, this is yesterday's argument. There has been a great improvement in safety. I think that all of us are delighted that the endemic hooliganism that blighted the national game for so many years in the 1970s and 80s, when it was felt by many that our national game was a disgrace and our fans abroad were an absolute disgrace, is not so apparent. I am not so naïve as to suggest that there is no hooliganism at all in the game any more, but things are certainly considerably better.

In my visit only a few weeks ago to Loftus Road, I was surprised that in Shepherd's Bush, within a couple of hundred yards of the ground, the pub I went into beforehand insisted that we showed our tickets so that the end of the ground that we were going into could be seen to ensure that we were being segregated. I had assumed that it would be all pints of beer, which I quite like occasionally, but this was a wine bar in which everyone was drinking wine. There was a different culture, not just in respect of the alcohol being consumed, but because there was a family environment. A lot of women now support our national game. All this suggests that there is a positive route forward and I worry that we passionate football fans are getting worked up about the issue of standing and all-seater stadiums.

There is little doubt that there are smaller attendances. Going back to my visit to Victoria Road to see Dagenham and Redbridge, there were only 1,700 fans in the ground. I suspect that, notwithstanding Colchester United's great success in recent seasons, only 5,000 or 6,000 people turn up at Layer Road regularly. There are, therefore, broad issues to do with atmosphere that I think that we all want to encourage. We need to ensure that we encourage the next generation at a time when football will no longer be quite as high profile or attractive a game.

I look forward to hearing what the Minister has to say, and I will now allow the representative for Colchester United to have more than his say. This has been a useful debate, and I hope that we will have many more along these lines in the years to come.

10.20 am

Kate Hoey (Vauxhall) (Lab): I do not think that this is yesterday's debate—it is about the future and the future of football. I congratulate my hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) on securing the debate. He has laid out a clear, articulate view of all the reasons why the Football Licensing Authority has got it wrong, so I shall not go over all those points.

I agree with my hon. Friend about John de Quidt. Way back, when I was Minister for Sport, I first tried to raise the issue and sent the FLA to Germany to look at the stadiums, but I found that there was a deep-rooted objection to the idea. The FLA and the establishment in football were not interested in listening to the arguments, any of the supporters' views or the safety argument. However, one by one, over the past few years, every single argument against safe standing has been demolished. Now, I am not quite sure what my hon. Friend the Minister will say, because there are no new reasons why safe standing should not be introduced. The new Minister, whom I congratulate, has an opportunity to start the way that he means to go on. He should not automatically accept what officials have said over and over again or listen to people who, for whatever reason, have decided that this is a no-go area.

We must continue to point out the hypocrisy and double standards. It cannot be right that the FLA justifies an individual at a football match being ejected for persistently standing in a lower-level tier, when at that same ground on the next Saturday that same individual can not only stand, but jump up and down and dance at a concert in any part of the stadium, including right at the top. That is not logical. The message that it is sending out is that the Government—if they continue to keep this attitude—the FLA, the premier league and the entire football establishment think that somehow football supporters are just a little bit less in the human race and are not to be trusted. Of course, the culture of football was in a particular situation years ago, but it has changed, and it has not changed because of seating. Even today, at any match at the Emirates, most of one end of the ground will be standing most of the time. It happens all the time. To argue that making grounds all-seater has changed the culture is complete nonsense.

I urge the Minister to sit down and talk to those supporters in the Football Supporters Federation who have worked passionately on the issue for a number of years, have done huge amounts of intelligence work in other countries at their own expense and have produced reports that give facts and figures that can outdo anything that John de Quidt can put in front of him. I urge him to give football clubs the choice of how they want their supporters to be treated and to allow that to happen. The matter will not go away, and we will have continually to return to it. Let us stop the ridiculous situation in which football supporters are treated as sub-human.

10.23 am

Bob Russell (Colchester) (LD): I congratulate the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) on securing the debate and on the manner in which he presented it.

I have two admissions to make. First, I had hoped to come here this morning on the back of a great Colchester United victory at Ipswich last night. Until the 71st minute, that would have been the case, but we lost 3-1. The second admission is that I was a member of a working party of Liberal Democrats who brought forward a wide-embracing sports policy document, one tiny section of which opposed safe standing. I was a minority voice—we had to go with the majority—but I live to fight the battle.

I am in my 51st season as a Colchester United supporter standing on the terraces, and I am a season ticket holder. For 11 years, I have managed to turn down the generous offer from the club of a seat in the directors' box. My view is that watching football from the terraces is completely different from going to an all-seater stadium. This will be the last season that Colchester United will play at Layer Road, which is the smallest club ground ever to be used in the championship and where the majority of the 6,000-limit crowd stand and watch. It is no coincidence that when the sound people came into every championship club last year, the loudest fans were those at Colchester United, where people stand—there is a totally different atmosphere.

When we move to the new ground—the eloquently named Cuckoo Farm—next year, it will be an all-seater ground. Last season, I made a point of going to as many away games as I could—I managed 15, all of which were at all-seater stadiums. The atmosphere at those grounds comes nowhere near to the atmosphere when fans can stand. I have not been to Dagenham and Redbridge, but I appreciate the situation. I shall miss standing at football matches. I also endorse the point that people frequently stand in all-seater stadiums, which I think is unsafe.

Another point is that people are built in different sizes, but the seats in a stadium are all the same size. Whereas on the terraces people can do a bit of moving about to be with friends or to go and chat at half time, that is a physical impossibility in an all-seater stadium. The other thing that I found out last year was that the grounds vary in quality, in the size of the seats, in the legroom provided and so on.

A situation that could arise—this has not been investigated, but I think that it should be—is deep vein thrombosis. If people are on a coach to an away game for five hours, and then spend two hours in the stadium followed by a five-hour coach trip back, they are crammed in for more hours than they would be on a transatlantic plane, so there are health issues.

Surely we are talking about consumer choice. If clubs think that there is capacity for safe standing areas, perhaps they could have pens, perhaps no more than four or five deep and 20 or 30 yd long. As a consumer who has stood on the terraces for 51 years, I would like to continue to stand on the terraces, because my experience of watching football the length and breadth of the land is that all-seater stadiums are not as good for atmosphere and consumer choice as those where we have the opportunity to stand.

I urge the Minister to relax the rigid regulation. When supporters and clubs can come to an arrangement whereby they can have small, secure areas, let them do

[Bob Russell]

it. My experience is that that would be a lot safer than some of the all-seater stadiums that I have witnessed.

10.28 pm

Mr. Don Foster (Bath) (LD): I, too, congratulate the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) on securing the debate. Like him, I congratulate the Football Supporters Federation on the excellent document that it has produced on this issue. I congratulate, too, all those who have spoken. I do not think that the hon. Member for Vauxhall (Kate Hoey), for whom I have enormous respect, is going to like what I have to say, and I think that she will now accuse me of being part of what she describes as "the establishment".

As I listened to the hon. Member for Birmingham, Sparkbrook and Small Heath talk about the ridiculous situation that we are in because we have no legislation against overcrowding and standing on high-speed trains, I could not help but reflect that, rather bizarrely, we have legislation that prevents the overcrowding of chickens on trains, which shows how we get our priorities somewhat wrong in this place.

As others have said, we should always be looking at new evidence, and I welcome that which has been brought forward in this report. We should be listening to the strongly held views of football supporters such as the hon. Member for Cities of London and Westminster (Mr. Field), but I do not believe that the case has been made strongly enough for the current arrangements to be changed.

As has been pointed out, particularly by the hon. Member for Feltham and Heston (Alan Keen), the changes to the all-seater stadiums of our top-flight clubs were introduced as a result of not only the tragic and horrific events at Heysel and Hillsborough, but the broader environment at football games of hooliganism and violence, coupled with a poor safety record and low investment in football stadiums. However, that debate related to this country only, and not to what was happening in, for example, Germany, or to the similar record of hooliganism and violence at pop concerts and so on. We were talking about football in this country at matches between our top-flight clubs.

The introduction of all-seater stadiums has helped to facilitate a sea change in those clubs. The latest figures demonstrate a continuing downward trend in injuries at football matches. The most recent Home Office figures show a further 6 per cent. decrease in the number of arrests for violent disorder, which is the lowest that the figure has ever been.

Bob Russell: Will my hon. Friend accept that the club with the smallest number of arrests last year in the championship, with only nine, played at the only ground that allows standing—Colchester United?

Mr. Foster: My hon. Friend is wrong. I can assure him that in other grounds, such as Bath City's excellent ground—

Bob Russell: I was talking about the championship.

Mr. Foster: Well, my hon. Friend should have made himself clear. Across the divisions, his claim is wrong, although he might be right with respect to championship matches.

It is worth reflecting on what the premier league said recently, which was that the introduction of all-seater stadiums

> "combined with effective and professional stewarding and intelligence-led policing has seen public disorder all but eliminated from Premier League grounds".

I accept that a combination of the two is required. That does not mean that we can be complacent. There are still incidents at football grounds during which it is hard to control crowds. As the hon. Member for Birmingham, Sparkbrook and Small Heath rightly pointed out, the problem remains of fans standing when they are not meant to. There is a need for greater enforcement, as well.

I accept that there is no simple solution to crowd control, and there will always be the potential for trouble at grounds. However, surely the point is that when fans are in all-seater stadiums, it is far easier to stop incidents getting out of hand than it is if they are standing, whether they are in the most modern pens or on old-style terraces. We have heard already this quote from the Taylor report:

> "while there is no panacea which will achieve total safety and cure all problems of behaviour and crowd control, seating does more to achieve these objectives than any other single measure".

Surely, that is the bottom line. Although terracing is not inherently unsafe, it is not as safe as seating. Although architectural and structural developments have made standing safer than it used to be, the fact remains that standing is still not as safe as sitting.

No one is saying that standing is inherently dangerous, as we have seen from circumstances in Germany, but we talking about this country. The Football Safety Officers Association told me yesterday that even if standing areas were designed to the highest safety specifications possible, they would still not be as safe as reserved seating. That is a view shared by the Football Licensing Authority, the premier league, the Football Association and a large number of international regulatory bodies.

Of course, there are arguments against the status quo. Some suggest that a return to some standing would broaden the appeal of football, but the evidence suggests that having introduced all-seater stadiums has done just that—far more children, including, most pleasingly, girls, and women, now go to football matches. We should welcome that greater interest shown by women and, in particular, girls. It is great that football is the fastest growing participation sport among women.

Some would argue that football's popularity has suffered as a result of the introduction of all-seater stadiums, but I have indicated that its appeal has broadened. That is true of attendance as well—the average attendance for a premiership game is now more than 30,000—which, as has been said, has enhanced our ability to host more international events, such as champions league and UEFA cup matches, where standing is outlawed. Being able to host those games means that fans have a greater chance to go to high-profile, high-quality games.

The hon. Member for North-West Leicestershire (David Taylor) suggested—he has left the Chamber now—that the introduction of seating has meant a hike in ticket prices. There is no question but that ticket prices, particularly for the premiership, are far too high. For example, research that I have done demonstrates that, this season, the cheapest possible regular adult English season ticket costs more than five times as much as it would in Spain, and four times as much as in Italy. That is despite the huge income from television rights. Frankly, that is a disgrace—it is real rip-off Britain.

The point is that although clubs have spent £1.5 billion converting their stadiums as a result of the Taylor report, huge additional sums would have to be spent on the introduction of so-called safe standing. The Minister has quoted already the Bradford City chairman, who was addressing the Bradford City Supporters Trust, which was arguing the case for safe standing. When he asked whether the trust would prefer safe standing or a new right winger, the clamour for safe standing died away very quickly. Of course ticket prices could and should be lower, and fans should not be priced out of the game, but the move to safe seating has not been the root cause of the ticketing rip-off, and the introduction of safe standing is certainly not the solution.

Some have argued—this was a major part of the contribution by the hon. Member for Birmingham, Sparkbrook and Small Heath—that football has been separated out from every other activity. He referred to pop concerts and other sporting events. In response to that, I return to the beginning of my contribution: football's history is very different from that of other sports and pastimes. The troubles of hooliganism, violence and poor stadium maintenance are not unique to football, but the difference is that they have led to some tragic events in the history of that game. I believe that with the introduction of all-seater stadiums, football has changed. It is more popular and has a broader appeal, which is the way that I want it to stay. Football has changed in part at least because of the safety measures introduced over the past 20 years, in which seating has played an important part.

Although I shall, of course, continue to look at any new evidence, nothing that I have heard in this debate, or read in the report, persuades me that there is a strong enough case to call for a change to the current arrangements. Safety is paramount, and as long as sitting at top-flight football matches is safer than standing, I certainly shall oppose the introduction of any change.

10.38 am

Hugh Robertson (Faversham and Mid-Kent) (Con): I start, as others did, by congratulating the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) on securing this debate. I noticed that he is a former chairman of the Charlton Athletic community trust. As a Kent MP, I thank him for the work that that club does in my community. It is a terrific example of a really good community club, and it does fantastic work in many schools and clubs.

Mr. Godsiff: It is very kind of the hon. Gentleman to say that, but may I correct him? I am not a former chairman, but the current chairman.

Hugh Robertson: I am delighted to hear that, and presumably there is a connection between that and the excellent work that it does. I thank the hon. Gentleman even more.

As others have said, this is an important subject, which, through the work of the Football Supporters Federation and the Stand Up Sit Down campaign, received a lot of coverage, and I congratulate them on that.

I often say to people that for a politician, opposition has very few advantages bar the opportunity to have a real think about some of the issues, which in my case are in sport. Since taking over as the Conservative party's sports spokesman two-and-a-half years ago, I have had the opportunity to talk through this issue at length with many of the game's regulatory authorities, the police, several club owners, Lord Moynihan—one of my predecessors, who introduced the initial legislation—and several fans groups.

I have also had the opportunity to listen to the views of many different Members: I remember having a conversation about the issue with the hon. Member for Feltham and Heston (Alan Keen) at a cricket match some years ago; I attended the study day that the hon. Member for Vauxhall (Kate Hoey) organised on the subject in March; and I listened to the Minister's predecessor, the right hon. Member for Sheffield, Central (Mr. Caborn), who, as a Sheffield MP, has very firm views on the subject.

Broadly speaking, the arguments in favour of a limited return to standing are many of those that we have heard this morning. As the Stand Up Sit Down campaign has shown, a genuine group of fans want such a return, and they aim to secure at least one area of each ground where supporters can stand, subject to a code of conduct. The fact that that idea is popular is surely indicated by the fact that the campaign's supporters cover 130 clubs. The measure would be limited, in that it would apply to only one small section of the ground, and it happens anyway—at least in part—as anybody who has been to a premier league ground will know. The technological improvements in ground design mean that it can be carried out more easily and safely than before, and it works on the continent in Germany, although we have heard that there may be a rethink over there. There is an issue about choice, in that supporters who wish to stand should not be forbidden from doing so, and it would improve the atmosphere, so some say. It will for ever be known as the Roy Keane "prawn sandwich" argument, but there is a feeling that the atmosphere at football matches is not what it ought to be. The elephant in the room, which I thought would not be discussed but was, is that the measure has driven up the cost of football tickets.

Set against that, the arguments are equally easy to itemise. I have heard many people, particularly those closely connected with Sheffield, say that it is simply too soon after the awful events at Hillsborough to countenance any change, and that to do so would provoke an understandable backlash. I had a long conversation with the Minister's predecessor, and anybody who has talked to him, as a Sheffield MP, about the issue will realise the extraordinarily strong feelings that it understandably still provokes.

There is no doubt that the introduction of all-seater stadiums has helped to improve crowd management and behaviour. When the issue last came up about a year ago, I took part in a Radio Five Live phone-in on the subject, and I was absolutely amazed by the number of women who contacted the programme to say that if all-seater stadiums were removed, they would stop going to top-flight football matches. If there was one thing

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that came out of that hour-long phone-in, it was that conclusion, which rather surprised me.

There is a thought that the German solution is not applicable in this country, for very simple technical reasons: the effect of the weight of the crush barriers on the rest of the football ground's structure would make them impossible to implement; accommodation spaces and concourses under those areas could not support the weight of those barriers; the gradient—in technical terms, the rake—of seated areas is too steep to introduce safe standing; if one were to herd in a greater number of people, one would have to make technical improvements to the emergency exits, which would not be safe; and the facilities at grounds are calculated on the basis of all-seater stadiums, so toilets and food areas would all have to be expanded. To correct all that and reintroduce some seating would involve considerable cost, and if that sort of money is to be invested in football, I am not sure that it is better to invest it in stadiums than in driving up participation at the grass roots. It would be a brave chairman who took that decision rather than invest money in the community, as clubs such as Charlton Athletic have done so successfully.

There is also the European issue. As has been said, UEFA and FIFA regulations demand that all matches at club and national level be played in all-seater stadiums. It remains the case that in just over two years of doing this job, with the exception of the Football Supporters Federation, no football body has lobbied or come to me and said, "We want this to happen." The Football Association said to me yesterday that, outside that small and persistent group, it is not sure that there is a big lobby for the idea. That is partially because the debate has moved on. The viewing experience in modern stadiums is so superior that the issue is becoming less important. It is, in a way, yesterday's argument.

As does the hon. Member for Bath (Mr. Foster), I think that there is an extraordinarily strong argument that the price of tickets to watch premier league clubs is too high. However, I am not sure that there is a direct correlation between that issue and the argument today. They are two separate issues, which are best tackled separately.

In conclusion, it is difficult not to characterise the debate in the terms in which it has traditionally been couched. Football supporters are understandably campaigning for a return to standing areas, at least in part; however, those charged with managing safety and security in football grounds continue to champion all-seater stadiums. As an Opposition spokesman, I do not have access to up-to-date assessments, so I am happy to make the commitment today that if we win a general election and I keep my current job, I shall consider the issue again with all the evidence to hand. However, I still suspect that if a Minister with responsibility for sport from any party reviewed the matter, and there was evidence from football's regulatory authorities that showed that they wanted to retain all-seater stadiums, and evidence from the police that showed that it would be unsafe to change, it would be an extraordinarily brave and, many would say, foolhardy Minister who, with the Hillsborough issue sitting on their shoulder, overturned the current situation.

10.46 am

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): I, too, congratulate my hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) on securing this important debate. I thank him for his work in football, not only with the Charlton Athletic community trust, but with the all-party football group, where on several issues we have shared meetings at which he has been at the forefront expressing his views.

I am rather sad that my hon. Friend and I are on opposite sides of the argument today, but I thank him for welcoming me as the new Minister with responsibility for sport. I am not sure that I can be held personally responsible for the failure of the England rugby team—indeed, was it a failure?—which did very well to get to that final, and I was very pleased to be there to see the team almost secure victory. Lewis Hamilton has not become a world champion, but as a rookie, he has done tremendously well, and we wait with bated breath to see what happens to the England football team with their European championship qualification.

I welcome the debate and the document from the Football Supporters Federation. The FSF is passionate about the case, and it wants a return to standing. It has been interesting to listen to the debate and to the diversity of views among the numerous colleagues who have spoken. I know that the issue provokes passion. As somebody who stood at football matches as a youngster, I enjoyed the benefits of standing and loved the fact that we stood and shouted for our team. However, my hon. Friend the Member for Feltham and Heston (Alan Keen) is right: the issue is the culture, and the culture has changed. The hon. Member for Cities of London and Westminster (Mr. Field) is right, too: we are moving on, which we need to do. Nevertheless, it is important that we respond to the points that have been raised.

My hon. Friend the Member for Vauxhall (Kate Hoey) has had to leave for a constituency engagement, but I would have said to her that the issue is not about Ministers being briefed by officials on a particular line. The hon. Member for Faversham and Mid-Kent (Hugh Robertson) has said that we must consider the issue in great detail, which I have done because I have been lobbied by a number of bodies.

As the hon. Member for Bath (Mr. Foster) has said, I was at the Bradford City supporters trust meeting on Sunday night, and I pay tribute to the work of supporters trusts throughout football, because they do a tremendous job. The co-chairman of Bradford City football club, Mr. Mark Lawn, when asked about safe standing said, "The choice is clear: do you want us to spend money on improving players or on changing the configuration of the ground?" Hon. Members have said that there would have to be a massive reconfiguration of grounds, and the supporters to a person told Mr. Lawn, "We want the new player." That sums up some of the issues.

I also spoke recently to Jarvis Astaire, who was involved with Wembley. He was passionate about all-seater stadiums being the way forward, because they provide opportunities for ground safety and crowd control. People know who has tickets and where they are going to sit, and the stewards can take care of the situation.

As has been said, my right hon. Friend the Member for Sheffield, Central (Mr. Caborn), the previous Minister for Sport, is passionate about the issue because of what happened in Sheffield. So am I, because the impact of the Bradford City disaster in 1985 on the city was immeasurable, and it is still there. People attend a memorial service every year, and what happened is still alive in their minds.

As a Minister, I fully understand football supporters saying that the running of football should be left to football and that the Government should not be involved. However, we had to be involved on the basis of those disasters. I want to return to a situation where sports run themselves, because the debate should not be about Government interference. As has been said, however, there is a history of safety failures, violence and disorder that is not found in any other sport. Rugby league has been mentioned, and I was at Old Trafford, where supporters stood together—there is no segregation in rugby league, because the supporters get on. My hon. Friend the Member for Feltham and Heston is right that that has not been the culture in football, and that violent scenes have taken place. We have made tremendous strides forward, but we cannot be complacent. Even this season events have taken place.

The first duty of the Government in considering the issue is to ensure that spectators can watch matches in safety and without fear of violence, disorder or antisocial behaviour. Proportionality is the key, and we must strike the right balance between ensuring safety and security and unnecessarily restricting the choices of clubs and fans. There remain good reasons for the all-seater policy, and I wish to set out the context of the current arrangements before returning to the relative merits of all-seater and standing accommodation.

The current system did not start with the Hillsborough disaster in 1989. Lord Taylor's recommendations were brought about in the context of all the lessons learned from a number of official reports into high-profile incidents at football matches in this country from as long ago as the 1923 cup final. His report was an attempt to wrap everything up, including safety and disorder issues, and to put an end to what was seen as the English disease. His recommendations were set out specifically to meet

"the needs of crowd control and safety"

at football matches in this country. As has been mentioned, in his final report, which took nine months of evidence and analysis, he stated that

"while there is no panacea which will achieve total safety and cure all problems of behaviour and crowd control,"

he was convinced that

"seating does more to achieve these objectives than any other single measure".

The hon. Member for Bath also made that point.

It is worth pausing there for a moment, because that is at the heart of the debate in many ways. Lord Taylor acknowledged that a blanket approach to all-seater stadiums was by no means a perfect solution, but said that, on balance, it was a better approach than the alternatives. I shall come to those alternatives in a moment. I believe that the current available evidence supports Lord Taylor's insight and bears out his understanding of the issue. In simple terms, his final report made it clear that the all-seater policy would help to bring about modern, safe systems and facilities, improve crowd management controls and ensure that there was no repeat of the disasters that had occurred in football grounds over the years. All-seater stadiums became the key part of a wide package of measures to bring safety and security arrangements into the 21st century.

The requirement for all grounds in the top two divisions to become all-seater provided clubs with the opportunity to transform their grounds from dilapidated, crumbling structures—Bradford City is a good example—into safe, secure and welcoming arenas. As part of the investment programme, the Government have provided more than £191 million of public money to help clubs develop their grounds. Now this country is internationally recognised as having some of the most modern and best-run stadiums anywhere in the world. Some 72 of the 92 premier league and football league grounds are now all-seater. Earlier this year, Sepp Blatter pointed out that Britain had set a great precedent by removing perimeter fences and using all-seater stadiums. In his words, that

"should be an example for everywhere else in the world."

The all-seater policy was the catalyst for that change.

At the same time as improving their grounds, clubs, with the support of Government, have sought to improve the level of stewarding. All match-day stewards are now required to undergo a nationally recognised programme of training, assessment and qualification equivalent to a national vocational qualification level 2. As the Football Licensing Authority and the Football Safety Officers Association will testify, all-seater stadiums make it easier for stewards to manage crowds, and there is general acceptance that the quality of stewarding is higher than it has ever been.

There have also been improvements in policing techniques and the management of risk. Despite an ongoing problem with football disorder, police banning orders, which help to remove the unwanted element that previously attended matches, have had a positive impact and have largely been a success. Some 43 per cent. of premier league and football league games are now police-free. As the hon. Member for Faversham and Mid-Kent has said, the all-seater policy plays an important role in assisting ground management and the police to assess and manage risks and to control disorder when it occurs. Nobody has come to me from the football safety authorities, the police, football authorities or local authorities to say that they want a change.

Other improvements that I should mention are the clear allocation of responsibilities, the role of ground safety officers, purpose-built control rooms with good communications, the use of CCTV and the regular testing of contingency plans. Together with seating, stewarding and intelligence-led policing, they form part of a coherent package that we must regard holistically.

The available evidence supports that analysis. As has been said, in the 2006-07 season there were record average attendances. The average attendance was 34,379 for premier league matches and 9,938 for football league matches. It is interesting to note that, in the past 15 years, attendances in the premier league have increased by 65 per cent., and that on average stadiums are 92 per cent. full. In the 2006-07 season, there was also the lowest ever number of reported injuries. Figures show that injuries to spectators are rare, but spectators attending grounds with terraces were almost twice as likely to be injured as those attending all-seater stadiums. There

[Mr. Gerry Sutcliffe]

was one injury per 39,000 people in all-seater stadiums, compared with one injury per 22,000 people in stadiums with terracing.

Mr. Mark Field: The Minister will realise from my earlier contribution that I am broadly sympathetic to what he is saying, but he has not really answered a question that was put earlier: why are there such different regimes in the same stadiums for football fans and for those attending a pop concert or another sporting event?

Mr. Sutcliffe: That is a good point, but I think that I have answered the question. It is because of the history of violence and disorder that has taken place. That was why segregation was needed between fans of different football clubs, which has not been the case in any other sport. That is not to say that there have not been improvements and, through such organisations as the Football Supporters Federation, great strides forward have been made. If we are to be brutal, the issue boils down to considering what is best for supporters' safety in grounds, as the hon. Member for Faversham and Mid-Kent has said—I appreciate the support of the Opposition parties' spokesmen, who are quite right.

I have a huge responsibility as the Minister with responsibility for sport to ensure that people can watch sport in safety. I have considered the matter carefully, and I have not heard anything to make me change my mind. My opinion may be coloured by the events that took place in Bradford and Sheffield, but I have listened to football safety officers, the police and local authorities, and it is vital that we make the right decisions based on the evidence before us. However, I am not shutting the door.

Mr. Don Foster: Does the Minister agree that it is vital to keep stressing the difference between football and all the other activities that have been referred to? We need only examine what happened in June at the champions league final in Athens and UEFA's criticism of Liverpool supporters. The problems are sadly still with us.

Mr. Sutcliffe: That also colours my judgment on the current position. There have been massive steps forward, and I appreciate the work of the FSF, Supporters Direct and football clubs themselves in ensuring that they improve safety and the culture at their grounds. The culture is changing, and more women and children attend games.

The debate has been important, and we shall continue to examine the evidence and ensure that we listen to what has been said. On balance, I think that we have made the right decision in saying that, at this time, there is no need to change the regulations, for the reasons that have been outlined. Safety is paramount—we need to ensure that spectators are safe—but we value the input of the FSF. I look forward to having many more debates about not only safe standing at football grounds but football in general. We need to debate what is going on in football, and we look forward to that in the coming months.

I am grateful for the debate. I am sorry that my hon. Friend the Member for Birmingham, Sparkbrook and Small Heath has not convinced me to change my mind, but I recognise the strength of feeling and welcome hon. Members' contributions to the debate. It is important for us not only to listen to football supporters, but to strike the right balance between safety and security and people's choice. On balance, we have done the right thing. The debate has been tremendous, and we look forward to future debates on football.

Incontinence

11 am

Mr. Graham Allen (Nottingham, North) (Lab): I want to use this debate to raise awareness of incontinence, which MPs, Ministers and the public at large still find embarrassing and difficult to talk about. Well, we are going to talk about it today, not least because everyone needs to get the message that it is not an inevitable consequence of ageing and that, in most cases, it can be treated and cured, not just managed. I also have some questions for the Minister. First, will he ask his colleague who has responsibility for this area to meet the small group of experts, individuals and others who helped me to pull this debate together at such short notice, so that we can do more work together on finding a way forward?

Millions of people in the UK suffer from incontinence, and one in three adults will suffer from it at some point in their lives. In the average primary care trust, 5,600 people have urinary incontinence and 900 have faecal incontinence. Will the Minister let me know the latest statistics? Absorbent products such as pads cost the average PCT £750,000 a year, and the cost to NHS purchasers alone is about £80 million. I have written separately to the Minister about the current review of costs for incontinence aids, so I shall not go into that now. However, the biggest cost is that a failure to deal promptly and humanely with incontinence problems in older people can cause embarrassment and lead rapidly to humiliation, the loss of morale, hopelessness and the loss of the will to live, all of which are avoidable.

Incontinence is a personal and private condition, and studies reveal that it can take the average woman five years to go to her general practitioner for help. One health professional, Ruth Wint, told me:

> "I saw women in my continence clinics who were so embarrassed that they hadn't even discussed it with their partners or husbands".

Immobility and the constant daily washing of soiled clothes, bedding and oneself becomes a depressing routine.

What are the bigger policy results of continence problems? They delay hospital discharge and might be a reason for admission to hospital or long-term care. Incontinence was a precipitating cause of nursing home admission for 89 per cent. of elderly people who received a substantial amount of care at home, and it is second only to dementia as the reason why older people enter residential care. It is a major factor in falls and has an impact on other long-term conditions. Informal carers are essential to keep people at home, but incontinence, especially faecal incontinence, might be the factor that prevents them from continuing as carers. Such cases place another burden on the taxpayer and NHS residential provision.

I know that the Minister cares deeply and personally about this issue, and I ask him to proclaim that incontinence is both a priority and a clinical governance issue, and that care benchmarks on what patients should expect from services regarding their incontinence are essential. This is a key health issue, but it is also one of those quiet and unknown health issues that will get a higher profile as time goes by and demographics change. There is a policy framework in place, but practicalities on the ground mean that it often falls short.

The Royal College of Physicians report "National Audit of Continence Care for Older People", which was published in November 2006, produced a damming verdict that conforms to many of the individual cases that have been brought to my attention in preparing for the debate. The royal college found:

> "Only 30 per cent. of services have a person with leadership responsibility for continence...Where a continence problem is identified, assessment or management of that problem is still not guaranteed...Whilst most of the structures required to provide continence services exist, the provision of true integrated services is incomplete...Documentation of continence assessment and management is inadequate...Management consists predominantly of containment rather than active treatment of the problem."

Does the Minister accept the accuracy of those findings? What can Parliament and the Government do to put some of those things right?

I want to touch on several key areas, the first of which is public understanding. The antidote to people suffering in silence and the myth that incontinence is inevitable is public knowledge. That can be facilitated in a small way by debates such as this and, far more importantly, by Government programmes and the use of television, radio, leaflets and posters. More than 30 years ago, Kimberly-Clark broke the taboo and advertised Depend products on television in America. In the UK, we are still very shy about talking about this issue.

Not many people know that the immediate treatment for urinary and faecal incontinence is usually a disposable pad held in place by elasticated net pants. The construction of the pad is similar to that of a disposable nappy. If either of those items is wrong, the result is urinary and/or faecal leakage—and misery. A key part of public understanding is access to advice. Family members are often worried, but do not know where to turn, especially regarding older relatives who live alone. An effective partnership between health and adult services is essential, especially with regard to a good, confidential delivery and collection service for pads, and domiciliary help with household cleaning and hygiene, which is often a problem for confused or older people, or those who live alone.

Easy referral pathways to confirm a diagnosis and to rule out more serious conditions are needed, and self-referral systems need to be implemented to allow suffers to access specialised clinics without having to be referred by their GPs. Good access to confidential advice is also needed, not necessarily via a GP, but using pharmacies, NHS Direct or primary care staff in the community.

The second key issue that I want to raise is whether incontinence should be managed or treated. A good assessment should mean that clients are provided with the product that is most appropriate to their need in sufficient quantity—about four or five pads a day—but in areas where budgets are tight, the number provided is restricted and the quality of care is compromised. Effective assessment can often lead to a cure or an improvement in symptoms, but, sadly, those avenues are not always explored and the patient is parked and remains unnecessarily incontinent for the rest of their life. Permanently managing incontinence with pads is much more expensive than treating the problem and working towards a cure.

Proactive treatments such as pelvic floor exercises and bladder retraining should be used much more widely. There is a lack of awareness among the public, families and, indeed, some health professionals, that the condition

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can be treated and not just contained. According to a 1998 community nurse survey, 27 per cent. of people with incontinence were told by their GP that the condition was not serious enough for treatment and 26 per cent. were told to learn to live with it. However, 70 per cent. of people with continence problems will show a good response to treatment, which leaves only 30 per cent. with an intractable problem that they would have the right to have treated effectively so that they could be clean and dry.

The third key area is managerial accountability, starting with the priority that is given to incontinence. Many professionals to whom I have spoken have talked about managerial apathy. As incontinence is a quality-of-life issue rather than a life-threatening or acute medical condition, there is a tendency for it to be overlooked in preference to targets such as the reduction of waiting times. It seems that managers' main concern is the cost of the pad budget, yet investment in the continence service would allow for good assessment and appropriate treatment and management that could not only improve a client's quality of life, but massively reduce the cost of continence provision. Given the massive expansion of health budgets over past decade, surely PCTs can set up more continence clinics with more specialist nurses with knowledge of the problems. In Mansfield, in my shire, only two continence advisers cover the huge area of north Nottinghamshire. Is the Minister satisfied that continence services receive the priority that they deserve at PCT level?

The second managerial issue, which is probably even more important, is co-ordination and accountability. The interaction between the NHS and social services in this area is often incomprehensible to sufferers and their families, and I am told that it is often not understandable to managers and front-line staff. Examples of duplication or an absence of service have been abundant in my research for this debate.

Separate social services and health assessments often centre on other problems, or involve a multiplicity of agencies and sub-groups within the NHS and social services, none of which take direct responsibility for the well-being of the person. The inconsistent organisation of specialist services and line management, with variable priorities and progress in service developments, has been identified in academic studies, not least by Thomas in 2004. That was referred to over and again by sufferers and families during the few days that I had to prepare for this debate. Will the Minister look again at the working of the NHS-social services interface, particularly as it affects elderly people and such people who are incontinence sufferers?

The fourth issue is staff training. Several studies have criticised some staff as being uninterested in the problem or believing that it is beneath them. In Nottingham city, a programme of continence training for all social care staff—those in home care, residential care and so on—has raised staff awareness, understanding and competence when dealing with people who may be incontinent. Such widespread training for social care staff might be unique. Education for higher-level continence specialists is provided at diploma and degree level to ensure that specialist nurses have up-to-date knowledge. Does the Minister believe that there should be a properly funded national strategy for training for both social services and health staff?

Lack of time means that I cannot go into all the details, and I shall write to the Minister about other groups. It is not just the elderly who are affected. Other groups include pre-schoolers, school children, children with special needs, and older people with mental illness. I apologise to those many people. I have had many debates such as this and I have never had such a response from the public and people in the professions to bring cases to my attention.

Mr. David Drew (Stroud) (Lab/Co-op): My hon. Friend is well aware that there is a review of the pricing of urology and stoma products—it is the fourth review. Some of the proposals arising from that review involve major changes, including making dramatic reductions in costs. Does he agree that they must be examined carefully before they are implemented?

Mr. Allen: I have been in contact with many people who supply and use products, and the issue is of great concern. I have deliberately referred to it only in terms of writing to the Minister, because I do not want that to be the subject of today's debate. It is a more general debate, and I am sure that my hon. Friend—he takes a close interest in these matters—will work with me and visit our colleague who has ministerial responsibility for the matter, and perhaps take a small delegation of people to raise those specific issues, so that we can maintain focus on the general issues.

I said that we could do far better for the 70 per cent. of people who could be cured, but we must also do better for the 30 per cent. whose condition needs management. Many thousands of patients suffer total loss of bladder and/or bowel control as a result of neurological injuries or diseases, such as spinal cord injuries in the young, multiple sclerosis in the middle-aged, and strokes or dementia in the elderly. Many of those people are extremely vulnerable and debilitated, and require the most time-consuming nursing care. For many of them, a catheter and bag might provide the only universal urine collection system. That is considered to be a last resort by health professionals, but there is no acceptable alternative. The system is associated with at least a 40 per cent. risk of complications, some of which may be life threatening. At some point, 100 per cent. of patients develop a urinary tract infection, and up to 50 per cent. of catheters block recurrently at any time of day or night as a result of encrustation. That leads to a heavy burden of work on district nursing services.

Some patients develop bladder stones. Others continue to leak urine, thus remaining incontinent and at risk of bed sores. Some might develop fatal septicaemia while others might develop a severe form of bladder cancer. That is the ugly, morbid aspect of incontinence, which is rarely mentioned but is so fundamental to the care of many older and seriously disabled people.

The urinary catheter in routine use today was introduced in 1937 and the basic design has not changed. Surely, in the 21st century in a society with an increasing number of elderly and disabled people, modern science and technology should make a greater contribution to researching and developing a more efficient, user-friendly urine collection system for palliative care. Does the

Minister accept that his Department should have a 10-year plan for research into the development of techniques to alleviate chronic incontinence?

To a layman in this area, it seems that the work programme of policy should follow on from the Royal College of Physicians' report to raise public awareness and break the taboos on incontinence; to keep people talking; to make treatment the first port of call, rather than management or containment of incontinence; to ensure that we treat in the 70 per cent. of cases when that is possible; to have clear local leadership and clarity of case management in specific personal treatment, so that everyone knows who is responsible for the whole treatment in any case; to have front-line staff trained and proud of their work with this group of people; and, finally, to research updated treatments. Will the Minister consider appointing a named person, to be responsible to him, to make that happen?

The issue is serious, and one that people do not like talking about because it causes embarrassment, but I know that the Minister cares deeply about the issue. I hope that his reply will help millions of people who can and should benefit from better and earlier intervention. Incontinence is a plague that affects one in three adults, particularly in later life. I hope that the Government will tackle the problem effectively.

11.19 am

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate my hon. Friend the Member for Nottingham, North (Mr. Allen) on securing this Adjournment debate, and I pay tribute to him for bringing our attention to an issue that affects so many people in our country.

We in Parliament should be debating and highlighting the very real everyday issues that make a difference to the quality of people's lives. Let me also say that my hon. Friend has done a tremendous job of providing leadership in his own city on promoting regeneration and tackling social exclusion and social inequality.

My job today is not simply to say that the system is not working or that it fails everybody, because that would not be the case. My job is to explain many of the things that the Government have done, specifically nationally, to ensure that incontinence is taken far more seriously in local health economies and that people get the sensitive and professional treatment and support that they deserve.

Having said that, I begin by recognising that the system is simply not working in the way that it should in too many parts of the country. Too many patients and, indeed, family members describe a system that is neither sensitive nor effective. We therefore have a responsibility to work with my hon. Friend and my hon. Friend the Member for Stroud (Mr. Drew), who raised an important issue, to see whether we can ensure that the aspirations, ambitions and policies that are set out nationally become a reality in every local community, and identify the individuals and organisations that should take leadership and be held to account for the relevant services. Together, we must seek over time to ensure that the vast majority of people receive the service, sensitivity and support that they deserve.

Following this debate, I will ensure that the Under-Secretary of State for Health, my hon. Friend the Member for Brentford and Isleworth (Ann Keen), meets my hon. Friends and a group of interested and experienced professionals to talk about the practical measures that we can take to make a real difference. We need to place that on the record. We would then need to agree a programme of work that we could monitor not only at ministerial level but through continued debates in the House.

Let me deal now with some of the points that my hon. Friend the Member for Nottingham, North has made. I will not necessarily be able to deal with them all, given the time available, but I will do my best. As regards the cost to the NHS of absorbent continence products, we do not collect information about the number of continence pads and pants supplied by the NHS or about NHS expenditure on such items. However, research has shown that dealing with incontinence costs the NHS about £425 million a year and that the UK market for pads and appliances to contain incontinence is estimated at £143 million.

In 2000, the Department of Health published "Good practice in continence services", which outlines the Government's vision for integrated continence services. The guidance set out a model of good practice to help achieve responsive, equitable services, with an emphasis on primary care teams being proactive in identifying all people with incontinence and offering initial investigations and treatment. Early intervention is therefore important.

The guidance called for cohesive and comprehensive continence services that encompass urinary and faecal incontinence in all age groups—from children to older people—in hospital, at home and in care. It described how services should be based on agreed evidence-based policies, procedures and guidelines—that would be good—with group audit and review. Furthermore, it emphasised the importance of identifying and treating the underlying problem, rather than managing the incontinence with pads—the point that my hon. Friend reiterated throughout his contribution.

The achievement of the good practice envisaged in the guidance is being supported by the NHS essence of care scheme. My hon. Friend referred to benchmarking, and the scheme is a benchmarking tool designed to help practitioners take a patient-focused, structured approach to sharing and comparing practice to improve the quality of patient care. The relevant benchmarks reflect those aspects of care that are crucial to the experience of patients and carers and deal with the things that really matter to them, including continence and bladder and bowel care. Nationally, NHS organisations have embraced the principles of the essence of care scheme as fundamental to the implementation and delivery of good clinical governance. As my hon. Friend suggested, the application of benchmarks to practice can result in a real difference to the quality of care.

The Department also commissioned the National Institute for Health and Clinical Excellence to develop specific guidance on this issue. NICE has published clinical guidelines on the care and management of faecal incontinence in adults, although it did so only in June, and there is always a time lag before such things take effect. Furthermore, NICE has published guidance on the management of urinary incontinence in women only this month. That indicates that the Government take the issue seriously, but the time lag between the introduction and delivery of national policy is always

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significant, which is why we need to engage with my hon. Friend and others to accelerate progress.

In 2001, the Government published the national service framework for older people, which is the first comprehensive strategy to ensure fair, high-quality, integrated health and social care services for older people. It is a 10-year programme of action, which links services to support independence and promote good health. It highlights the importance of services for key conditions, including incontinence—it is an important lever in that respect. It also highlights the need for culture change so that all older people and their carers are treated equitably and with the dignity and respect that they deserve.

Standard two stresses the importance of person-centred care—that is very technical language, but it means seeing each older person as an individual and asking professionals to shape assessments of needs and services around that person's views and wishes, not the other way round. The development of integrated continence services was a key objective of standard two, with all local health and social care systems expected to have established integrated continence services by April 2004. That illustrates that we still have a long way to go.

My hon. Friend raised the issue of true integration between different agencies. The Government increasingly talk about personalisation, which means that individuals should not be treated as part of a system of mass production and that the system must focus interventions on the needs of every individual and, where there is a carer, every family. That is a major challenge for the health and social care system, and it has been identified by my colleague Lord Darzi, the Secretary of State and, indeed, the Prime Minister. Personalisation must be the next stage on our way to achieving world-class public services.

Some have made a case for targets, but we cannot have targets for everything, as my hon. Friend knows. He has been a great proponent of local devolution—of pushing power down to the most local level—to re-empower professionals and managers on the front line. We must therefore get the balance right and put in place systems and pressures that will hold people to account and support them in providing the necessary services, but that does not necessarily mean that we can impose things in a top-down way. We need policies and national leadership to enable people on the front line to take the issue far more seriously and to ensure that the services for which managers or practitioners are responsible are responsive and sensitive to individuals' needs. As my hon. Friend said, services must seek to treat incontinence, not contain it.

I have been leading a big campaign to put respect for dignity at the heart of all care services for older people—in hospital wards, nursing homes, home care services and primary care services. We must position the issue before us right at the heart of the non-negotiable need to treat older people with dignity—in that regard, no issue is more central. We all know of the embarrassment that people feel—as my hon. Friend said, they will not disclose their problem for a long time because it is embarrassing and has a stigma attached to it. That embarrassment is only reinforced when they seek support and services and have the indignity perpetuated, rather than receiving the sensitive and expert response that they need and deserve.

I am also happy to consider including the issue before us in my dignity campaign. We now have 1,200 dignity champions up and down the country, who champion the needs of older people in different care settings. It might be useful for me to go away and look at whether we can do more about continence. We are doing a lot on nutrition for older people and we will announce plans on that next week.

My hon. Friend has raised a crucial issue and he has my cast-iron guarantee that the Government will take the issue seriously and work with him and professionals to improve services for people who experience this incredibly difficult condition.

11.30 am

Sitting suspended until half-past Two o'clock.

Dementia Sufferers

2.30 pm

Jeremy Wright (Rugby and Kenilworth) (Con): I begin by welcoming you to the Chair, Mr. Marshall, in what I hope and believe will be an important debate. From sitting in that Chair, Mr. Marshall, you will know that debates in this Chamber are often described as important or significant, but I believe that the care of those with dementia justifies those terms.

We have not been good at recognising the significance of the matter in the recent past. To give a parochial and internal parliamentary example of that, there are 531 all-party groups, which range in significance, on subjects from nuclear power to table tennis but, as of June this year, there was no all-party group on dementia. Even within the House and despite the interest shown by individual Members such as those here today, we have not sustained pressure on the issue as we might.

It is not widely recognised outside the House that there is a medical condition that affects 700,000 people, is likely to be contracted daily by 500 new people, is terminal, has no cure, will grow in incidence by 40 per cent. in the next 15 years, and for whose development there is no treatment. If it were, we would expect the pressure on the Government to devote time and resources to it to be considerable and for it to come from many quarters. Those are the facts about dementia in Britain, but there is no sustained pressure on the Government to take action on dementia in the way that there is for other medical conditions.

Before dealing with the question of remedies, we must ask ourselves why that is the case. In February, the "Dementia UK" report was published. It was part-commissioned by the Alzheimer's Society and was intended to provide, in its words, coherent evidence of the scale of dementia in the UK, and to combat inadequate attention from policy makers. The National Audit Office report entitled, "Improving services and support for people with dementia" was published in July. As I am sure the Minister will remind us, the Government will complete a strategy on dementia by the end of next summer. I welcome that, although it has been a long time in coming. I have no doubt that, in part, it was prompted by the two reports to which I referred.

It is clear from those reports that dementia incurs a huge cost. The NAO estimates the annual economic burden of the condition to be £14.3 billion, which is a colossal figure. It is more than the costs incurred by strokes, heart disease and cancer combined. Perhaps the scale of the difficulty has deterred us from dealing with the condition in the past, but population ageing will increase the problem.

There are emotional as well as economic reasons for our unwillingness to face up to the problem. General practitioners are sometimes unable or unwilling to make a dementia diagnosis in the absence of a cure or effective treatments. They perhaps feel that such a diagnosis would be without hope. More generally, we all find it difficult to face the prospect that the condition will affect us or someone we love. We might be able to see ourselves becoming afflicted with other conditions that get a great deal of financial and emotional support from the public, or with a physical disability, but mental health conditions are often overlooked, as the Minister knows, and we do not wish to face the prospect that it may happen to us. Again, that might explain why widespread, consistent and sustained pressure for action on dementia has not been brought. What needs to be done and what should we hope for in the Government strategy next year? I should like to address some issues on which I hope that the Minister will offer reassurance.

I have no doubt that the Government strategy will cover the issue of diagnosis. It is important that dementia is diagnosed not because that will set someone with the condition on a path to a cure—there is no cure—but because it enables sufferers and their families to make the necessary plans and to cope better with what is going to happen. Diagnosis brings about huge emotional stress but, at the time of the diagnosis, people have a great deal to think about and plan for. As the Minister knows, it is important—people often ask for this—that there be a single point of contact to enable people to get the necessary information and advice on the help and services that they can take advantage of. Too often, that is not available.

Officials from the Department of Health, including the chief executive of the NHS, David Nicholson, appeared before the Public Accounts Committee on 15 October to discuss the NAO report. I am pleased that the hon. Member for Southport (Dr. Pugh), who is a member of that Committee, is here today. The officials were asked about a number of things, including the issue of a single point of contact. The officials reacted positively to the idea of providing a single point of contact where none currently exists but, less encouragingly, they spoke only of how such provisions might be made within the NHS. To some extent, that is understandable—they were NHS officials, after all. However, I hope that the people who will create the Government strategy will think about the issue more widely.

I hope that the strategy group looks at examples of good practice such as the Newbury Memory clinic. Everyone who goes there is referred to an Alzheimer's Society adviser. We could look at that model with a view to national coverage, partly because there is a great deal of experience and knowledge vested in the society and similar campaigning organisations, and because the advice and support of voluntary bodies is more welcome and trusted by those who suffer from Alzheimer's and other forms of dementia than information from Government agencies and sources. I hope that the Minister will assure us that consideration will be given to how to provide resources to the voluntary sector to carry out that important role.

We must also look more generally at the issue of mental health services, and ask whether they are up to the challenge and are capable of dealing with the mental health problems of older people, or of going in that direction. Concerns have been expressed about those issues, not least by the Royal College of Psychiatrists. Dr. David Anderson, chair of its faculty of old age psychiatry, has levelled a fairly robust criticism of the situation that will give us cause for concern. He said:

> "Some PCTs and Trusts are proposing the dissolution of specialist older people's services with patients transferred to the care of general psychiatry services with no training in older people's mental health, including putting older people on general wards claiming this creates an ageless service. This is a dishonest way of cutting costs to the detriment of older people and is not motivated by, nor will it achieve, meeting the needs of older people. It will provide older people with an inferior, second-rate

[Jeremy Wright]

> service. The government's priority status for mental health is read as mental health for adults aged 16-64. PCTs have no interest in anything other than target-driven working-age mental health services".

I hope very much that the Minister will take account of those criticisms and ensure that the upcoming strategy addresses those concerns.

I fear that the issue of medical research will not be dealt with adequately in the Government's strategy. The striking predicted growth in the incidence of dementia to more than 1 million sufferers by 2025 and to 1.7 million sufferers by 2051 is predicated on the absence of a cure and effective treatments. It seems to me, and many others, that successful research is the only way in which we can slow that growth. What is concerning is that little of the necessary research is currently funded or undertaken.

Only 1.4 per cent. of research papers since 2002 have been on this subject. Between 2000-01 and 2004-05, in respect of the national research programmes, at least, funding for research dropped in cash terms from £12.9 million to £6.8 million and, as a percentage of the health budget, from 0.03 to 0.01 per cent. I accept that the Government increased funding last year, but still the UK spends 24p per citizen on research into dementia compared with, for example, the 66p per citizen that is spent in the United States. It is illogical that we should spend so much less on research into dementia than we do on research into other conditions that cost us, as a state, proportionately much less.

One third of dementia sufferers live in a residential care home. The NAO report says that half of people in residential care homes and two thirds of people in nursing homes have some form of dementia. It follows from that, inevitably, that training for staff in residential homes is essential. Sadly, that type of quality training is not widespread, and there are consequences, one of which, as the Minister well knows, is the serious concern about inappropriate administration of sedatives in care homes. There are no two ways about it: care home staff need to be properly equipped to deal with dementia.

There are also too few specialist places. Again, on the NAO's estimate, there are 124,000 registered places for 201,000 dementia sufferers. However, we have to be careful on this, because a good many care homes—in my constituency and, I am sure, in the constituencies of other hon. Members present—care admirably for those with the milder forms of dementia, with the support of the families concerned, despite not being technically registered places for dementia sufferers. We ought to be careful not to jeopardise the good care that is being delivered by being over-dogmatic on descriptions.

We must go on to consider the two thirds of dementia sufferers who live in their own homes, looked after in the main by 476,000 unpaid carers. Those carers are, of course, a lifeline. They are the only thing that stands between the dementia sufferer and much more expensive, not to mention undesirable, admission to residential care, which is not looked for by anyone. A substantial part of the huge cost to the nation that dementia brings with it is the time of carers, which is worth billions of pounds—money that the state would otherwise have to provide for that care. That, if there were no other reason, is a good reason to support those carers.

Of course, carers of all types suffer a huge range of difficulties. This debate does not allow us the scope to go into all of those, but let me make the argument that those who care for dementia sufferers perhaps have it hardest of all, because caring for someone with dementia does not only place physical demands on the carer. That condition also erodes the emotional and conversational bond between the carer and the person cared for. In very many cases, we are talking about spouses or children where the rest of the family might be far away. That can be an extremely lonely experience. In essence, dementia sufferers need the carer more and more as the carer loses more and more of them. That is an extremely difficult situation for carers to find themselves in. The Minister will recognise that any dementia strategy worthy of the name must offer practical help and assistance to those who care for people with dementia.

It is also important to co-ordinate well what we do on dementia. Last week, at the Public Accounts Committee, the NHS chief executive was asked about the possibility of a national dementia care services director. His answers on that were positive. He said, in connection with experience on cancer:

> "We have found that having a national clinical director is an enormously powerful way in which to focus."

That must be right. He was also asked when the appointment of such a national director might be considered and he confirmed that we might not have to wait until the Government's dementia strategy is published. He said that

> "if we are not careful we will lose a whole year if we do not get something moving forward."

The point that the NHS chief executive was making is indicative of a wider point. The NHS operating framework for next year will be instituted in November or December of this year, substantially in advance of the publication date for the dementia strategy, so the question arises: how much of the preliminary research that will go into making up the dementia strategy will be made available to the NHS to use in determining that operating framework, so that the NHS can be influential in doing what is necessary and urgent to help dementia sufferers and their carers? We know, from what David Nicholson has already said to the Public Accounts Committee, that a national director's position is under consideration. What else might be fed through to that operating framework in order for those changes to be made earlier, rather than later? Specifically, will there be a national dementia care services director, and will that decision be made before next summer, when the strategy is revealed?

Among the final subjects that I want to touch on, necessarily briefly, are the emerging technologies that we all hope will make life better for dementia sufferers. I am talking about telecare and extra care housing. These developments are happening throughout the country, in different localities, and are very positive and welcome. In what ways will the strategy encourage those types of solution, appropriate to the local context?

The last point, which is vital, concerns respite care. It is essential that respite care is available for dementia sufferers but, more than that, that the quality of that care is extremely high. This point is not unique to those who care for people with dementia. We know from all our experiences with carers that if the quality of respite care is not high, it is no respite at all. Many carers have said to us that the worst weeks of their lives have been when they took a week's holiday, went away and spent the entire time worrying about what was happening to the person for whom they care. Yes, we should have respite care—and more of it, by all means—but may we please ensure that the quality of that care is high?

All the things that I have mentioned need to feature in the Government's dementia strategy, which needs to make clear how they will be delivered. Simply setting goals and leaving it to health and social services authorities to decide how those goals may be met within existing budgets will not be sufficient. Worse still would be to conceive a strategy, announce it, declare victory and move on to the next problem, because a resolution of the problems that dementia poses will require sustained engagement from all of us, but particularly from the Minister and the Government.

The Minister knows that all those with dementia, all those who care for them and all those who advocate on their behalf have waited for the strategy and genuinely look forward to its publication. I hope very much that the Minister will do all that he can to ensure that when the strategy is revealed to them, they will not be disappointed.

2.49 pm

Barbara Keeley (Worsley) (Lab): I congratulate the hon. Member for Rugby and Kenilworth (Jeremy Wright) on securing the debate, which deals with a topic of great importance in my constituency and that of every hon. Member present. During carers week, I met a group of carers from Warwickshire whom the hon. Gentleman had invited to the House. I know that care and carers' issues are of concern to him.

As parliamentary champion for carers week, I have met some constituents who care for people suffering from dementia. There were quite a number this year—that was not by design, it was just how it happened. Listening to them talk about their experiences has driven me to want to improve the support that they receive.

I have previously raised my concern about the impact of caring on carers' health. We know too little about the subject and more research should be done, but it is clear that caring for a dementia sufferer has an impact on health. Evidence from carers themselves suggests that such caring is physically and emotionally exhausting. A study reported in the *British Medical Journal* noted that caring for people with dementia was stressful and that 30 to 50 per cent. of such carers experienced depression. A study in the United States has discovered that caring has an impact on the immune systems of carers for dementia sufferers and stroke victims in particular.

Dementia affects about 700,000 people in the UK, and the number of sufferers is expected to grow to 840,000 by 2010. I met a carer in my constituency who had been caring for her husband, who suffered from vascular dementia, for a number of years. He was also fed with a PEG tube—percutaneous endoscopic gastrostomy tube—and had a variety of other needs. His wife was a remarkable person who gave him a truly amazing level of care. She told me, "I am his nurse," and described how she fought to establish a routine of care and to train paid care workers to her own exacting standards.

The biggest issue that the carer faced related to respite care. She managed to get a break each week, with support from Crossroads Caring for Carers, but only for short periods to play bingo twice a week and to shop for two hours at the local supermarket. Every attempt to use respite care for longer periods, especially one recent attempt, had proved traumatic. In fact, as a result of poor standards in one local care home, she had to visit the home repeatedly during the week to point out to the paid staff what they were not doing correctly. Her husband came home with an infection that she thought could have been avoided. She was so stressed at the end of what was meant to have been a respite week that she developed rashes and had to visit her GP.

My constituent had further worries about the support that she should have been receiving. She found that certain essential supplies were not made available to her. Although she received a free supply of incontinence pads, the pads that she needed when changing her husband's pads were not supplied and had to be bought. Such problems and her concern about the low quality of respite care available locally made me feel that the situation was just not good enough. I wrote to the Commission for Social Care Inspection and others on her behalf.

After carers week, I visited an excellent drop-in and buddy service in my constituency that is run by Age Concern in Salford for the carers of people with dementia. I talked to carers while the people for whom they cared were supported by Age Concern staff and volunteers. The service was designed for people suffering from early onset dementia. Some of the people there were in their 50s, but many of the carers had been supported by Age Concern's project for so many years that they carried on coming. I commend that service and hope that it will continue to be funded through the carers grant for many years to come.

I discovered that those carers talked about similar issues to those raised by the carer whom I had visited in her home the week before. One described to me how he felt that he had to fight the system to get his benefit entitlement and the supplies that he needed, on top of fulfilling the most exacting and difficult caring responsibilities. He found the process draining. I had a long discussion with carers about the inadequacies of local respite care. They were experts. They knew where the best standards were to be found, and they knew which homes were of low quality.

My hon. Friend the Minister has described Alzheimer's and other forms of dementia as asking new questions of our health and social care system, just as we are doing in this debate. He has announced the development of a national dementia strategy, which is to be published next year. Such a strategy must help to tackle some of the inadequacies in current services and to cope with the expected substantial increase in demand due to an increasing number of dementia sufferers.

The Minister has said that we must bring dementia "out of the shadows" and that people with dementia and their families should

"feel able to seek support at the earliest possible stage".

I agree wholeheartedly.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does the hon. Lady share my disappointment

[Mr. Graham Stuart]

with the local government settlement in the comprehensive spending review, which represents just a 1 per cent. increase a year in the budget in real terms and less than half the overall increase in Government expenditure? Does she feel that as the needs of dementia sufferers grow, the hope of training and other support in social care is unlikely to be delivered?

Barbara Keeley: I shall leave the Minister to deal with that political point.

While speaking of care for dementia sufferers, I have discussed unpaid family carers. That is appropriate because two thirds of older people with dementia receive care in the community, mostly from unpaid carers. Up to half the people with dementia also have depression and, as I mentioned, a third of those caring for an older person have depression themselves.

As the hon. Member for Rugby and Kenilworth said, dementia costs the health and social care economy more than cancer, stroke and heart disease combined. Two wards in my constituency have high levels of deprivation and health inequality. I know that one ward has high levels of heart disease and the other has very high levels of stroke. The risk factors for diseases such as vascular dementia are similar to those for heart disease and stroke. It is likely that there are many dementia sufferers in my constituency—many of the carers whom I met during and around carers week were caring for dementia sufferers—but I do not have the information about dementia that I have about other serious diseases.

Given the national picture, it is fair to assume that there are probably some 1,000 dementia sufferers in each parliamentary constituency, and possibly more. Owing to my constituency's high levels of health inequality and stroke, it is likely that we have more. I want to do what I can to advocate for those dementia sufferers and their carers and to improve the services that they receive. Many of them are managing without services and, indeed, in some cases, without a diagnosis.

Clearly, better awareness is needed, and sufferers must be referred earlier. That should lead to earlier diagnosis, which could help to ensure that the needs of sufferers and carers are assessed. In other debates, I have referred to carers' rights to have their own needs assessed. Carers are providing remarkable levels of care to people with dementia and they should be supported. A further step is to improve treatment and support so that people with dementia are treated with dignity and respect.

It is key, as the hon. Member for Rugby and Kenilworth mentioned, that we ensure that health care staff and those in respite care homes receive training to equip them to identify and meet the needs of this group of people. One of the carers whom I met reported to me that after her husband had spent a week in respite care, the person in charge of the care home complained about his behaviour, which he said other patients had found disturbing. All the behaviours being complained about were classic to dementia sufferers and were what she dealt with every day as an unpaid family carer.

I pay tribute to all the carers whom I have mentioned today and to the organisations that support them, such as Age Concern, Crossroads and the Princess Royal Trust for Carers. I asked one of the carers what extra support or help she needed and told her that I would pass on what she said to Ministers. She asked for two things: support for an occasional longer spell of shopping so that she could wander round the shops rather than racing around in two hours every week; and respite care that would enable her to leave home for a week, or occasionally two. She has not been away for two weeks since her husband's illness started.

We must ensure that standards in respite care homes are raised substantially, so that the carers whom I have described can have a decent break from caring without spending the whole time worrying about the standard of care. Such carers are the care for dementia sufferers and they deserve our support.

2.59 pm

Dr. John Pugh (Southport) (LD): I congratulate the hon. Member for Rugby and Kenilworth (Jeremy Wright) on raising this issue and putting his case so well. He made a number of highly specific requests. I hope that the Minister has written them down because they are entirely deliverable.

I think that everyone has a personal tale to tell about dementia, often involving their own families. My personal memories go back to a gap year and working on a geriatric ward with some people with fairly extreme cases of dementia. Three tragic cameos stick in my mind from that time. I remember trying to stop an individual quite unknowingly eating a bar of soap by trying physically to take it out of his hand. I remember struggling to change the soaked trousers of a pre-senile dementia case—someone younger than I am now—and the look of affronted bewilderment and anger on his face as he came to terms with what was being done to him.

I remember another man who had entirely exhausted the efforts of his caring family because he was inordinately restless. He was admitted to hospital and acted with similar manic restlessness in the ward, fiddling with other people's belongings and moving from place to place. One day, the staff and patients could take no more and he was put in a chair with a bar across it. Five days later—and after hours of struggling—he died, exhausted, of a heart attack. We never saw him again.

That is the rough end of dementia, and we all accept that it is a huge problem. Some say that it affects half a million people, some say more. As we have heard, there is no identifiable cure and the situation is likely to get worse. Wanless has told us that there will be millions of suffers and that the cost will be billions of pounds.

As is the case for most illnesses of age, dementia is a disease of degrees, ranging from forgetfulness to complete personality disintegration and regression, with a loss of control over bodily functions and the loss of all sense of time and place. It therefore makes differing, yet always distressing, demands on carers and the caring services. The size, scope and nature of the problem are relatively well understood. However, the life of individual patients who have the problem is not as well tracked.

Most dementia patients visit a number of different organisations under the health service because of their complaints, not all of which are to do with their dementia. They interact with a multiplicity of agents and local government, NHS and voluntary bodies. They see their GPs, and they might see people from a mental health trust and those from the acute trusts who deal with physical problems. Also, of course, they see social services for one reason or another. A flaw in their general care is that no single organisation has overall responsibility for managing their condition, or even ensuring that the information held by one organisation is shared with others.

There are genuine difficulties. The hon. Member for Rugby and Kenilworth referred to the National Audit Office report, which the Public Accounts Committee, of which I am member, discussed on Monday. The report showed some disturbing facts. It established that GPs were less confident in diagnosing dementia than before. That is partly because they are under pressure to diagnose at an earlier stage than hitherto, and they are possibly reluctant to give people prematurely what may be a fatal diagnosis. Diagnosis in care homes is weak, with 62 per cent. of people there suffering from some form of dementia, although that is not necessarily on the records. Equally disturbing is the fact that although many sufferers are admitted to a general hospital for physical conditions, a correlative mental health assessment is not made at the same time. That would be an easy place to pick up the problem and to deal with its symptoms.

One could be quite brazen and say, "Does that really matter? After all, the outcome is inevitable and it is not good." When pressed on that question the other day by the Public Accounts Committee, David Nicholson and his officers were emphatic on that point and said that it did matter how early a diagnosis was made or attempted. Research shows that early diagnosis has an appreciable affect on the standard of care, even if it does not do much by way of a cure. It slows progress, so people can be put in touch with memory clinics and the like. All that is good and, given the will, it is something that the Government could advance.

The hon. Gentleman also made the point—I think that he has stolen some of my thunder—about the need for one person to be solely responsible for the condition of specific patients. The Public Accounts Committee gave that idea a warm welcome. We need better community management of the condition, which is certainly prevalent. A single reference point for carers would be more than helpful. I suspect that the reference point would be not the GP, but a specialist attached to a practice who was trained in geriatric medicine. That is not the only way in which the aim can be achieved, but there is certainly a need for a single reference point.

Under the quality and outcomes framework, GPs are financially incentivised to treat dementia. QOF points are gained through the way in which GPs manage the condition and report on it. I am less than convinced that the outcomes of the framework are rigorously evaluated and that people are properly rewarded for doing the right thing, with poor practice identified and monitored and good practice properly rewarded, and good practice not only encouraged, but spread.

Dementia patients often have a multiplicity of problems. Dementia is an illness of age, and with age comes other ailments. Dementia patients have particular difficulty in getting across to the doctor that they have a possibly serious physical condition that has nothing to do with their dementia. We know that dementia patients can suffer mental health problems that are not directly related to dementia. For instance, it is understandable that one could be depressed when demented. It is inappropriate to treat only for dementia, not for depression.

We also need to improve the care in care homes, which was another point raised by the hon. Gentleman. Figures show that 28 per cent. of care homes have specialist places. However, some 62 per cent. of those in care homes have dementia, which probably means that the bulk of the staff looking after them are not specifically trained. Indeed, as the NAO makes clear, those staff are not all good English speakers. The Minister will understand that the big move in care homes to keep wages down often involves a high use of immigrant labour. Some such staff are well qualified and very good at the job, but from time to time there will obviously be communication difficulties.

Some 40 per cent. of dementia sufferers in care homes are treated with neuroleptic drugs. In some cases that is wholly appropriate, but some situations that are chemically managed could be treated in other ways. There is good and bad practice in nursing homes and care homes. Good practice should be spread and bad practice eliminated, when possible.

That brings me to the topic of elder abuse, which relates not simply to dementia. One shocking figure suggests that 500,000 people are the victims of abuse in the later stages of life. It has to be said that they are usually abused by people in positions of trust, and often in the home. Abuse has an extraordinarily broad definition. Not only are those being cared for being abused, but sometimes those who have dementia or Alzheimer's are capable of making life very uncomfortable for carers themselves. Indeed, 33 per cent. of care givers claim to have been abused at some time. It is certainly an area in which training, understanding and support is sorely needed and required for all involved in the process.

Ultimately, we all accept that there are no magic solutions. There are a number of helpful steps that the Government could take immediately. However, good things do happen. We need research breakthroughs and better drugs. There has been a lively debate about what drugs are available in certain places for dementia sufferers. I accept that for reasons that we do not properly understand, some drugs work for certain people but not for others. Considerations of value for money are also involved in the use of certain drugs across the piece. None the less, we need to investigate further why some drugs obviously work for some people but not for others, as is suggested in carers' reports.

I cannot pass over the fact that we have had only a paltry 1 per cent. increase in the supporting people budget. That will create a monumental headache for local authorities such as mine. The large number of elderly people living in the area is not reflected in the funds available for treatment.

We all support increased respite. We all want to see quality care, not the cosh of the drug, as it were. As the hon. Member for Rugby and Kenilworth said, we also want better integration with voluntary bodies, which play a valiant and necessary supplementary role in developing care across the piece. Finally, we need more research investment.

Beyond that, however, there is a bigger public health agenda. We must all face the fact that mental decline is a side effect of ageing, and we all suffer it to a degree—

[Dr. John Pugh]

some more, some less. The effects are not the same across the board, however, and they can be accelerated or retarded by lifestyle. That is where the public health agenda interacts with therapeutic endeavour. An awful lot of work still needs to be done on that, and the Government recognise that to some extent and are setting about doing something.

If the concept of good old age is not an oxymoron, it is certainly an ideal and one that we should hold. In our ageist society, sadly, it is one that has yet to be recognised.

3.11 pm

Anne Milton (Guildford) (Con): I start by paying tribute to my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright), who, along with the Alzheimer's Society, got the all-party group on dementia off the ground. I also pay tribute to the Alzheimer's Society for its lobbying. As Members of Parliament, we are constantly lobbied by organisations, but the society has been significantly more effective than many others.

The all-party group will become a crucial tool not only in raising awareness, but perhaps in bringing about a change in policy and bringing all political parties together to find some of the solutions to what is, at times, a difficult problem. I share my hon. Friend's surprise that such a group did not exist before, given that, as he has said, we have all-party groups on a number of subjects, including table tennis. The fact that we did not have a group on dementia is remarkable, given that 700,000 people suffer from some sort of dementia.

One reason for that is that this is a difficult issue.

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis) *indicated assent.*

Anne Milton: I am pleased to see the Minister nodding in approval, because this is not a terribly party political issue. It is, however, a difficult issue, because it is not very sexy. Some illnesses and problems attract great media attention, and we find them somehow easier to deal with, but dementia is one of the hardest to tackle. Geriatric care, as it used to be known, often came at the bottom of the pile in terms of funding, and psychogeriatric care came even lower. Although people with dementia are by no means all over 65, a significant number are. As parliamentarians, we have a duty to change things and to address this extremely difficult issue.

My hon. Friend has mentioned several issues, including research, and more research clearly needs to be done. We must do what we can to slow the progression of dementia, because that will have a significant impact not only on those who care for people with dementia, but on the Government's budget.

My hon. Friend has discussed training, which is a terribly important issue that also arises for people with learning difficulties and for parent carers of children with profound disabilities. We need training for hospital staff, dentists and other care staff—people whom we take for granted, if we are well—because they may not recognise the needs of people with dementia and may, indeed, not recognise dementia when they see it.

My hon. Friend briefly mentioned the over-prescribing of neuroleptic drugs. He was at pains not to be critical of their use, but we should accept the fact that using them significantly increases the risk of someone having a stroke, which would obviously have a profound impact on somebody who is already suffering from dementia. To some extent, the use of neuroleptics is a signal of our feelings of impotence when it comes to dealing adequately with people with dementia.

Jeremy Wright: For the purposes of clarity, I certainly do not criticise all uses of neuroleptic drugs. My point concerns the nature of the care that is delivered in a particular care home and whether that care home is registered as suitable for dementia patients. I certainly know of people with mild dementia being well looked after in settings that have not been formally ascribed the status of being suitable for dementia patients, so we must be careful not to be overly dogmatic on that point.

Anne Milton: Yes, I thank my hon. Friend for clarifying that. As he has rightly said, some excellent care is undoubtedly delivered.

My hon. Friend went on to mention the idea of a director of clinical care for dementia, and there is no doubt that the leadership and vision that such a post would bring to this field would have a significant impact not only on producing better outcomes for people with dementia, but on getting rid of some of the stigma associated with dementia.

The hon. Member for Walsingham talked about the impact of caring on carers and about stress and depression—

Mr. Lewis: Worsley.

Anne Milton: My apologies—the hon. Member for Worsley (Barbara Keeley). Wherever the hon. Lady hails from, her points were well made. She mentioned stress, depression and social isolation among carers. She talked about the inadequacies of care support and about the fact that the care provided in some residential settings does not replicate the care that people receive in their own homes. She noted that carers' confidence in respite care is crucial to determining whether they use it, which they need to do if they are to continue with their burdens. She also mentioned organisations such as Age Concern and Crossroads, and she gave a moving account of individuals' experiences.

The hon. Member for Southport (Dr. Pugh) described the rough end of dementia care in graphic terms, and I could share similar stories with him, having been a district nurse some years ago and having also seen people in care home settings. He referred to what happens on the ground, which is so important. He also mentioned key workers and training. Finally, he discussed elder abuse—a subject that we do not often feel comfortable addressing.

The hon. Member for Barnsley, Central (Mr. Illsley) is not with us today, but at Prime Minister's Question Time he raised the issue of Aricept and the fact that the National Institute for Health and Clinical Excellence has not issued the data model that it used. NICE can play a significant part in the care of people with dementia, but its role has been overlooked. NICE does not currently take into account the social costs of care, but they are extremely important in evaluating the cost-effectiveness of any drugs that come on to the market to treat conditions such as dementia. I agree with the hon. Gentleman that it is important for us all to have sight of the data model that NICE used.

Mr. Graham Stuart: Will my hon. Friend join me in congratulating the Minister on two fronts: first on recognising the failures of the current system for dealing with people with dementia, and secondly on announcing the development of a new strategy to deal with dementia? Does she share my concern that the missing link, as Help the Aged has called it, is research—my hon. Friend the Member for Rugby and Kenilworth mentioned that point? Will she join me in hoping that the Minister will deal with that aspect of the matter today?

Anne Milton: I thank my hon. Friend for that intervention. His points were well made. Of course, I should not do otherwise than join him in his two points of congratulation, and in making the point that more research money is crucial.

The other issue that has been touched on today is the 1 per cent. increase in the supporting people budget. An important aspect of it is cost shifting between the NHS and social services, and the feeling among local authorities in some parts of the country that their budgets and the money that they get from central Government are for ever shrinking—it is becoming extremely difficult for them to give effective care in people's homes and to support carers of people with dementia. It is crucial that, given such resource constraints, we ensure that every penny is well spent.

Mr. Stuart: My hon. Friend has mentioned pressure on council budgets. The current number of dementia sufferers in the East Riding of Yorkshire is 4,700. It is expected to be more than 7,700 by 2021—a very few years from now. I hope that the Minister will take on board the need for additional funding, to take account of what is probably the biggest issue facing British society—dealing with an ageing population.

Anne Milton: My hon. Friend has made the point extremely well, and I expect that the Minister and hon. Members all agree that one of the main issues, and one on which we at times have our heads in the sand, is how to cope with our ageing population; how, as the hon. Member for Southport has suggested, to create a society that is not ageist in its approach; and how to look after those who will have to carry the burden of caring for those who cannot care for themselves.

In conclusion, I should like the Minister to deal with the points raised by my hon. Friend the Member for Rugby and Kenilworth, whom I again congratulate on obtaining the debate. However, I also want to ask him a question: who will care for carers if we do not? There will be no one to save the Government £6 billion a year as those carers now do—it has been estimated that £1 of Government money spent in the voluntary sector provides between £11 and £15 in services—and there will not be enough care home beds in which people with dementia can be looked after, or enough residential home places. I hope that the dementia care strategy will address the problems not only of people with dementia, but of the people who care for them.

I am sure that the Minister agrees that this is not a party political issue. He looked slightly nervously at me, as if I were going to attack the Government, but I do not want to do that. All that I want to do is make the lot of people with dementia, and those who care for them, better, and this debate is an important step towards securing that goal for the future.

3.23 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate the hon. Member for Rugby and Hamilton—

Anne Milton: Kenilworth.

Mr. Lewis: I am well briefed. I congratulate the hon. Member for Rugby and Kenilworth (Jeremy Wright) on securing this debate on a crucial issue. It seems that the issue will touch an increasing number of families—indeed, we know that that is happening. Many people seem incredibly uncomfortable talking about it, but it will become a growing challenge for our society. I have said that we need to bring dementia out of the shadows. It asks questions of the health and social care system—and of families and society—and we have not been able to address that issue thus far. Together we need to find a solution. We need to match our ambition to find a solution to the scale of the challenge.

I thought that the hon. Gentleman's speech was thoughtful. I am delighted that he is to be the chairman of the all-party parliamentary group, and I look forward to working with the group to make a difference. In response to an important point that he made, I shall talk about the national strategy, but developing and announcing that strategy will be only the beginning of the journey. The key will be the delivery and implementation of change in every community, so that people who use services, and their families, have a very different experience from the one that many have so far had. The parliamentary group and, indeed, Parliament, have an important role in making sure that that happens.

I pay tribute to the hon. Member for Guildford (Anne Milton). I was not looking anxiously at her, but at the hon. Member for Beverley and Holderness (Mr. Stuart), because he and I know each other rather well. I congratulate the hon. Lady on making this one of the rare occasions when an Opposition spokesman has not made a partisan point of any kind. That inspires tremendous respect for her, because this debate needs to be conducted on an all-party basis.

I also pay tribute to the hon. Member for Southport (Dr. Pugh) for a thoughtful speech in which he raised issues that have not been raised elsewhere in the context of dementia. He raised the matter of elder abuse, which is sadly another growing problem in our society. I suspect that our public discourse on elder abuse is now at the same stage as our public discourse on child abuse was 20 or 30 years ago. Sadly, as I said this week, society is not as outraged by the abuse of an older person as it is by the abuse of a child—something that we should all want to address.

[Mr. Ivan Lewis]

The hon. Member for Southport also referred to therapeutic interventions. Older people need to be supported in maintaining their health for as long as possible, so early intervention and prevention are crucial. My view is that not enough work is going on in communities to deal with loneliness and isolation among older people. Politicians of any colour never said, in passing the 1990s community care legislation or in developing policies since 1997, that it was not the responsibility of local communities, local authorities or anyone else to treat older people's loneliness and isolation as a shared responsibility, and programmes were introduced to address those issues. In our thinking about social care, addressing loneliness and isolation should be an integral part of the system.

Anne Milton: Will the Minister join me in paying tribute to groups such as one in Cranleigh in my constituency, which started walking for health programmes for older people, with the unexpected benefit that, having been set up to give older people in particular more exercise, the programme has also provided an important social outlet for people who might not otherwise get out and who feel isolated?

Mr. Lewis: I am delighted to pay tribute to that group in the hon. Lady's constituency. It is important to remember that, although the notion of an ageing society is presented as being all about burdens and negativity, many of the present generation of older people are healthier than any previous generation, which is a trend that will continue as a result of medical advances and improved affluence. We should also remember that many of the current older generation are more affluent than the previous generation. We should not present the situation as just negative. There is a challenge that requires us to think differently about our communities and public services, but it is by no means a negative. Politicians all have a responsibility to think about what that means for policy.

I want to mention in response to the remarks of the hon. Member for Southport that we are reviewing the entire regulatory system on protecting older people from abuse. "No secrets" was guidance issued to local authorities some years ago, and we are undertaking a fundamental review of it. We are examining the case for legislation. I am not a believer in introducing vast amounts of regulation and legislation, unless it can be proved that it adds value and will make a difference. However, if the absence of that regulation or legislation is failing adequately to protect older people, we have a responsibility to consider toughening the system.

The hon. Member for Beverley and Holderness is right that we must include research in our process. Although that is not one of the primary objectives of the national review, I have made it clear, as the lead Minister on these issues, that we must look at research if the process is to have credibility and integrity. We will be looking at investment in research.

Mr. Graham Stuart: I am grateful to the Minister for giving way and for the words that he has just uttered. When can we expect to hear the result of the examination of potential improvements in research spending, which, as my hon. Friend the Member for Guildford pointed out, halved from 2001 to last year?

Mr. Lewis: We intend the national dementia strategy, when it is published, to reference our view on going forward on research, so it will be clear as part of the process. At the moment, that is not identified as one of the priorities for the development of the strategy, but I am willing to include it and to look seriously at research.

I say gently to the hon. Gentleman that the Conservative party has made no commitments, as far as I am aware, significantly to increase investment in local government. If it has, there will be tax implications about which we would be delighted to hear a little bit more. Hon. Members in Opposition parties are constantly stacking up all sorts of spending commitments, which is worthy indeed, but, of course, Governments must fund such commitments.

Mr. Stuart: The Minister has been party to creating joint working between health and social care in order to try to create a seamless system. In that context, the decision of his Government to make such a discrepant allocation of funds between local government and health looks peculiar. I am not responsible for my Front Bench's position. Personally, I would prefer to see a clearer and more balanced allocation between health and social care, so they can move forward together. If anything, social care's need for cash seems even greater than that of health at the moment.

Mr. Lewis: There was an era not that long ago when nothing plus nothing came to nothing, and those of us in the House who remember it know the dreadful state in which public services were left as a consequence. Frankly, it is a little disingenuous of the hon. Gentleman to make that point, when there have been record levels of investment in all public services year on year in the past 10 years, but I will address the serious issue.

If we are going to transform services for older people and disabled people in our society, we need a far more integrated approach between the NHS locally and local government, and between the voluntary and private sectors. We certainly need to look at the balance of resources between the NHS and services that are commissioned—not necessarily provided—by local government. I do not think that there is any difference between us in terms of direction of travel. The White Paper, "Our health, our care, our say", committed us to considering, where appropriate, a redirection of resources from the NHS to local government in terms of the provision of certain services. I shall tease the hon. Gentleman by saying, "Watch this space."

Jeremy Wright: The Minister is right; this is the wrong subject for political knockabout. The key point is that the Government, by setting out their objectives in a strategy, will properly raise expectations in the dementia community as to what can be done. If those objectives are not supported with the necessary funding, we will find a good deal of disappointment among the dementia community, which is why concerns are being expressed about where the money will come from, in addition to the worthwhile policy objectives.

Mr. Lewis: Yes, I agree entirely with that. But the hon. Gentleman must accept that his party is not saying to the people of England, "We are going to spend a lot more money on dementia." There has been no such policy commitment.

Let me make it clear that there will be a 1 per cent. real-terms increase going into local government, and the NHS will receive roughly a 4 per cent. real-terms increase. The combination of those increases is significant. The Department of Health has an amount of money specifically for social care, the detail of which has yet to be announced.

In the spring next year, the Prime Minister will announce a new deal for carers. He has set up a consultation process, meetings are taking place throughout the country and in the spring there will be an announcement about additional enhanced support for carers, the funding of which has not yet been committed or announced as part of the comprehensive spending review. In addition, some of the commissioning decisions at a local level should be different from the current ones, in terms of the use of existing resources and, certainly, with regard to joint and integrated commissioning between the health service and local authorities. It is easy for an Opposition Member to suggest that this is just about more and more money, and then not make any commitments to spend any.

This is also about using existing resources more effectively and getting the decision makers on the ground to take dementia more seriously. The chief executive of the national health service appeared before the Committee and had to acknowledge that the system is letting too many people down, and to make commitments in that area, which is important. However, that has to be reflected in decisions made locally by those who run NHS and local authority organisations and those who make commissioning decisions. Part of the strategy will be to ensure that dementia is given a much greater focus and a much greater priority, which is consistent with the scale of the challenge that dementia now presents to communities and families.

I want to talk a little bit about how we are approaching the strategy. I deliberately appointed somebody with an NHS background, Professor Sube Banerjee—head of mental health and ageing at the Institute of Psychiatry and a clinical director for the mental health of older adults at the South London and Maudsley NHS Foundation Trust—and Jenny Owen, who is executive director of adults, health and community well-being in Essex, jointly to develop this national strategy. Health and social care are working together, arguably for the first time, to ensure that the strategy is truly joined up, and the strategy delivery should reflect that.

I have also appointed Neil Hunt, the chief executive of the Alzheimer's Society, to play a central role in the strategy's development and to make sure that we are engaging with and consulting all those out there who have specialist knowledge and concern and passion about the needs of people with dementia. Our external reference group, for example, will include Barbara Pointon, the lady who incredibly courageously allowed a documentary about the deterioration in her husband's condition to be filmed. After that documentary, all that was debated in the media was whether her husband died on camera or not. What an outrage! Why did the media not generate a debate about Alzheimer's and dementia, rather than having an insider techie debate about whether the actual death was filmed? That really makes people angry. Meeting a person like Barbara Pointon, who has been through that hell and is prepared to go on platforms everywhere and argue the case for better, improved services for dementia, makes one realise that such people are the true people of courage in our country.

Anne Milton: I would like to associate myself with the Minister's comments. The courage of people who have been through such an experience is extraordinarily humbling. I agree with him that without people such as Barbara Pointon, our ability to debate and find solutions to some of these problems would be much less apparent.

Mr. Lewis: I agree with the hon. Lady's sentiments. Neil Hunt and the Alzheimer's Society have done a tremendous job in raising awareness of these issues and pressuring the system to take them far more seriously than it has done hitherto.

I pay tribute to my hon. Friend the Member for Worsley (Barbara Keeley). She has used her experience and her passion for both social care and the needs of carers ever since she became a parliamentarian. She has made a tremendous impact in raising the profile of these issues in Parliament and more widely. Although, as she said, this is not a very sexy issue, it is important that individual parliamentarians champion issues that are less sexy than others. Out there, for the families and people in our communities and our constituencies, these are the issues that arguably matter far more than some of the others on which we spend a lot of parliamentary time. I pay tribute to her for the work that she continues to do in this area.

My hon. Friend has made a number of important points. The effect of caring on the health of the carer is something that we need to consider as part of our work on the new deal for carers and on the national dementia strategy. She is absolutely right on that point. She also referred to the fact that carers are usually the experts on the people for whom they care, which professionals forget too often. The relative—the husband, wife, son or daughter—knows far more about that person and what they need and want than a professional will ever be able to. In some of our public services, we have to change the culture of how carers are treated. Arguably, we need to do so more in the NHS than in the social care system.

Mr. Graham Stuart: Will the Minister pick up the point made by my hon. Friend the Member for Rugby and Kenilworth about expanding the voluntary sector and the role that it has to play?

Mr. Lewis: The hon. Gentleman is even reading my mind now. I was just going to come on to that point.

On the question of expert carers—hon. Members should listen, because I do not think that this is widely known—we are developing an expert carers programme that we will launch in the summer of next year. Up and down the country, local training courses will be available for carers to help them with practical issues such as lifting and handling and with some emotional issues, so that they feel confident in taking on and working with the professionals and the public services not

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confrontationally, but to represent the best interests of the person whom they love. Empowering people is an important part of improving services. Yes, we can improve the leadership, structures and funding, but we also need to give those who use the services and family members far more control, power and confidence to fight for their needs and rights.

As well as the new deal for carers, I should mention that the Prime Minister has established a standing commission on carers under the leadership of Philippa Russell, a well-known activist for disabled people. She is a carer herself, with an adult son with learning disabilities. The idea behind the standing commission is to consider the long-term challenges that we face with caring responsibilities in our country. Inevitably, at the heart of that will be the ageing society and dementia. That standing commission will be an important step forward.

My hon. Friend the Member for Worsley also raised the question of respite. We have just announced a significant investment, as a result of a lot of all-party support, for disabled children and their families, with a particular focus on respite. One of the things that the new deal for carers must consider is respite care for adults. We have recently put some money into the system, and into local authorities specifically, for emergency respite care. Carers have told us that that is often a problem. When they have an emergency, it is very difficult to access respite care, and we need to build on that.

I am proud of the fact that the Government have given an annual grant to local authorities since 1999 specifically to support carers. It is a ring-fenced grant, and it is transparent. In recent years, it has not been ring fenced in the sense that we cannot force local authorities to spend it in the way in which we want them to, but a transparent and clear amount of money has gone to every local authority since 1999.

Barbara Keeley: On raising the quality of respite care, does my hon. Friend agree that it is not strictly a cost issue, but a regulation issue? The discussion I had with local carers about quality standards raised a question about regulating to minimum standards. When the homes that were being complained about in my constituency were checked, they were at minimum standards and then they slipped below them between times. The problem is regulation, rather than cost.

Mr. Lewis: I agree with my hon. Friend, although to some extent I think that there is a combination of factors. We have a regulatory system that secures minimum standards for the first time, and such standards did not exist before we introduced them. However, we need to do far more than secure minimum standards. People are entitled to expect quality personalised care. The next challenge for our health service and our society is to regard public services as offering people not only minimum standards, but highly personalised services. That is the next part of the mission when it comes to strengthening the public services at the heart of a decent society.

Jeremy Wright: If the Minister is about to move on to this subject, I apologise. Before he leaves the subject of the voluntary sector—

Mr. Lewis: I was just coming on to that.

Jeremy Wright: In that case, I will happily let the Minister proceed, and may intervene again.

Mr. Lewis: I was about to echo the comments made by the hon. Gentleman, other hon. Members, the Princess Royal Trust for Carers, Crossroads, Age Concern and Carers UK—we could go on and on. The voluntary sector is at the heart of our capacity to provide quality services and to enable people to feel comfortable about accessing services. We know that for some people, the voluntary sector is closer to communities than the statutory sector can ever be, and we also know that because there is a different history to the growth and development of the voluntary sector, it is in a position to advocate for people, often in an incredibly powerful way.

When, as the Minister responsible, I talk about integration of services in local communities, I do not just talk about the local NHS and local government—I always talk about the voluntary sector and the private sector. If we harness all the resources effectively that are being spent on care through those different sectors, we will end up with much higher quality, better services for people by simply using existing resources, without debates about the ongoing need for additional resources.

Jeremy Wright: On the single point of contact, the Minister has talked about the desirability of involving the voluntary sector, and I am sure that we all agree about that. However, does he think that it would be a good idea for the single point of contact to be provided by the voluntary sector rather than by the state?

Mr. Lewis: That is a difficult point. I personally believe that in every community there should be a single point of contact, which I would describe not as a one-stop shop, because that is unrealistic, but as a first-stop shop. If someone logs on to a website, visits a place or makes a call, somebody should ensure that they end up in the right place for the support that they need. We should aim to achieve that in every community.

Who would end up providing that service is open to debate. In some communities, the voluntary sector is undoubtedly best placed to do so. In other communities, the voluntary sector is underdeveloped, and the service would have to be provided by a statutory agency. Securing the notion of first-stop shops in every community, particularly in terms of older people, carers and the ageing society, should be an objective and ambition that we promote.

Turning to the strategy, first, we want to raise awareness about dementia, so that people begin to spot the signs at the earliest conceivable stage. Awareness-raising has to be not only about professionals, but about friends, family members and workmates. We know, as the hon. Member for Southport has said, that early intervention makes a difference. Recognising and spotting the signs, and not dismissing the symptoms as something entirely different, is incredibly important. Raising awareness and trying to remove some of the stigma is also crucial, and we will consider the best ways in which to do that.

Secondly, we want early diagnosis and intervention. All hon. Members know that GPs cannot be expected to be experts on every single condition. We have to ensure that primary care professionals have the maximum possible knowledge about dementia and a professional commitment that, if there is doubt or uncertainty, they will ensure that the person is referred appropriately to someone with specialist knowledge and expertise, rather than dismissing them or telling them that it is nothing to worry about. A major part of the strategy will be to consider how people access professional support and to ensure that we get those professionals to work with us to ensure early diagnosis and intervention.

Jeremy Wright: Does the Minister agree that we need to recognise people's concerns about, and fear of, a diagnosis of dementia, and to look at what is being done in Croydon, I believe, where what used to be called a dementia clinic has been renamed a memory clinic, and where referrals are now taken up more fully?

Mr. Lewis: I agree with the hon. Gentleman that it is important to recognise models of best practice. There is a lot of very good provision out there from which we can learn. We need the standards of all to be brought up to the standards of the best. Part of our strategy needs to involve highlighting places such as the Croydon memory centre and other services that already are providing the kind of support that we want to provide to everyone.

Mr. Graham Stuart: Given that dementia is the subject of today's debate, will the Minister comment on dementia in young people, which is an extremely serious condition and, as has been said, a fatal diagnosis?

Mr. Lewis: One of the benefits of the reshuffle is not only that I retain my job, but that, for the first time, I am responsible for all mental health provision in the Department. That means that I am responsible for the mental health of children, adolescents and adults and for dementia as whole, which is one of the issues that I need to address in assuming those integrated responsibilities. I agree entirely with the hon. Gentleman, and his question is a new question being asked of our society. Quite frankly, the system cannot cope with younger people who develop dementia. The hon. Member for Southport has also referred to that point.

The third focus of the national strategy is on improving the quality of care, whether it is provided in people's homes, hospitals or care homes. I have a really important point to make here: there can be no excuse for the neglect of older people, whether it is on a hospital ward, in a nursing home or through a home care service. We must continue to campaign to put respect for dignity at the heart of all care services. I do not accept the idea that we should always blame a lack of resources. There are certain non-negotiables and practices in the way that older people are treated that bring nursing and the NHS into disrepute.

I also believe, however, that managers, as well as front-line staff have a responsibility in this matter. Wards where more than 50 per cent. of the patients have dementia require different staffing arrangements from those where that is not the case. We pay NHS managers to make those decisions and to get that right. In the same way that there has been a debate about pupil-teacher ratios in the education system, we ought to have a debate, not about Ministers prescribing a certain number of nurses per patient on every ward in the country—that is not our job—but about managers, whose job it is to ensure appropriate staffing arrangements, especially if staff are having to cope with a ward on which dementia sufferers predominate, and if we want to give dementia sufferers high quality, personalised care.

I agree with the hon. Member for Southport and others about offering an integrated service to the patient and family members. Service users—patients and family members—are not interested in whether the service is provided by someone who describes themselves as a health professional or a social care professional; they are interested in a joined-up, integrated service that is sensitive and that meets their needs. They do not want to be passed from pillar to post between different administrative structures, so we need clear lines of accountability and responsibility at a local level.

Jeremy Wright: I appreciate that the Minister is running out of time, but I do not want him to run out of it before touching on co-ordination, and specifically on a possible national dementia services director. Some very heavy hints have been dropped by the chief executive of the NHS about the desirability of that. Will the Minister tell us if, or when, that will happen?

Mr. Lewis: Professor Banerjee, who is leading on that, is the Department's clinical advisor on dementia. He is not a national director for dementia, and I need to give further consideration to that proposal. The difficulty is that, understandably, every area in the health service wants a national director. I have just appointed somebody in the Department to lead on autism. Previously, no official was leading on that issue, which is presenting a growing challenge for our society where children and young people are concerned. Indeed, the problem of adults with Asperger's is now raising many issues. I cannot give a cast iron commitment today, but I shall reflect on the hon. Gentleman's point. Certainly, that issue must be addressed as part of the national strategy. As David Nicholson has said, however, there is a strong case for having such a director. We have an excellent national clinical director for older people, Professor Ian Philp, who is highly regarded but who is not a dementia specialist. We will consider that possibility as part of the national strategy.

Clearly, training front-line staff is crucial, and we need a combination of universal basic knowledge and highly specialist skills. However, we still have a long way to go. For example, let us consider domiciliary care workers. As more and more people choose to remain in their own homes, rather than to go into hospital or institutionalised care, more of the service will have to be provided by home care workers. We need, therefore, to have a particular look at their expertise, knowledge and sensitivity to the needs of people with dementia; that applies to all professionals. On one hand, we need some minimum knowledge among the universal professionals and system, and on the other, we need a cadre in every community of people with specialist knowledge and expertise in dementia.

Finally, of course, we need to look at the relationship between national policy and leadership, and what happens

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on the ground with local priorities. I say gently to the hon. Member for Rugby and Kenilworth that all political parties are united around the notion of localism and devolution and of not doing things from offices in Westminster and Whitehall. As we develop the national strategy, therefore, we must consider the pressures, incentives, levers and accountability mechanisms that we can put into the system, but which will not compromise the right of people on the front line to make key decisions. We must ensure, however, that they do not neglect people with dementia, and that those with dementia and their families are given greater priority and a greater status in decisions than has been the case thus far.

One of the reasons why we are debating this issue today is the lack of a national policy in the past, and another is the fact that people in local communities continually tell us that they are not getting the expert, personalised services that they need and want. Carers frequently tell us that they are not being treated with respect when decisions are being taken about dementia sufferers.

We have a long way to go. The challenge is to create the right balance and dynamic between providing clear national policy, leadership, standards and objectives, and understanding that in the end we are heavily dependent on the managers and professionals on the ground to make a difference. Furthermore, putting more powers in the hands of users and their families, through individual budgets, direct payments and simply giving them a greater ability to complain and to articulate their views, will have a major impact on raising standards and the quality of care in this area, as in many others.

I end by paying tribute to hon. Members for the all-party way in which they have approached this incredibly important issue. We are all committed to bringing dementia out of the shadows, and we have a solemn responsibility to those with dementia and their families and to ensure that we improve the quality of their lives.

Illegal Immigrants

3.59 pm

Mr. Philip Hollobone (Kettering) (Con): I thank Mr. Speaker for giving me permission to raise this important subject today, and I warmly welcome the Minister to the debate to listen to what I and other colleagues have to say, and to respond in due course.

The control of illegal immigration is a very important topic, and the Minister is a very important person. Indeed, I reckon that she is one of the most important Ministers in the Government, because the first duty of Her Majesty's Government should be to defend our island and control our borders. In that regard, we put a lot of faith in her and her Department. However, I must draw to her attention the fact that all is not working as it should. In places as land-locked as Northamptonshire, illegal immigrants are turning up on our doorstep, and it is causing huge concern to local residents, particularly because of the advice that the Border and Immigration Agency has given to Northamptonshire police whenever they have apprehended those people.

There have been in Northamptonshire two recent cases that I want to draw to the Minister's attention. The first in mid-September was reported faithfully by the *Northampton Chronicle & Echo* on its front page. It said, "16 immigrants caught by police…were told to make their own way" to the immigration offices in Croydon. Those 16 illegals jumped off the back of a lorry, and three were apprehended by the police, who quite rightly phoned the Border and Immigration Agency, only to be advised to encourage those three to make their own way to the immigration offices in Croydon. Effectively, they were released.

If that was not bad enough, later in the same month, a group of African immigrants were found hiding in the back of a lorry in a Northamptonshire village. They were dropped off at a railway station by police and also told to make their way to the same immigration centre.

Mr. Peter Bone (Wellingborough) (Con): I congratulate my hon. Friend on yet again bringing forward for debate a topic that is very important to the people of Northamptonshire. In fact, half the MPs for Northamptonshire are in the Chamber. Does he agree that one problem for Northamptonshire is that if illegal immigrants do not get off the lorries as soon as they arrive from across the channel, the next stop for the lorries is Northamptonshire, where they get out?

Mr. Hollobone: I am most grateful to my hon. Friend for that pertinent intervention. That is exactly the case. The *Northampton Chronicle & Echo* reported the second case that I mentioned, and it has a quotation from the lorry driver concerned, Mr. Adrian Coe, who found the men in the back of his truck. He said:

> "We'd come from France and loaded the lorry up in Paris. But we had to park up in Dunkirk for a break and we reckon that's where they got in.
>
> When we got to Long Buckby and found them, we held them and rang the police.
>
> We thought they'd take them away somewhere, we didn't realise they were just going to drop them off at the railway station."

According to the paper, a spokesman for Northamptonshire police confirmed that the men had been taken to Long Buckby railway station. She said:

> "We called the immigration service to advise them we had these people. We were told to advise them how to get to the nearest immigration centre,"

which in Northamptonshire's case is Croydon.

In the space of less than a week in the middle of September, there were two nonsensical cases in which illegal immigrants were released to do whatever they liked illegally in this country.

Mr. Nigel Evans (Ribble Valley) (Con): My hon. Friend calls it nonsensical, I call it bonkers. If one travels from the Gare du Nord, there is proper security, including British officials who check one's passport before one is allowed to board the Eurostar train. Surely that should be replicated at all ports where lorries get on vessels to travel to the United Kingdom, and heat-seeking technology should be used that would be able to show whether any bodies were on the lorries. The best way to control illegal immigrants is to ensure that they do not come to the United Kingdom in the first place.

Mr. Hollobone: I am most grateful for that very wise intervention. My hon. Friend is absolutely right. The Government must ensure that lorries are searched when they arrive in this country.

Mr. Evans: Before they arrive.

Mr. Hollobone: Before they arrive. I would check them on as many occasions as I possibly could.

There is also an important point about the welfare of those poor individuals. There have been horrible examples of lorries packed with illegal immigrants in dreadful conditions, and some people have died on their way into the country, which is why we need to secure our borders and ports. Being an island nation, it ought to be relatively straightforward.

I have mentioned two cases in Northamptonshire, but I am afraid that it is not just a Northamptonshire problem.

Mr. Brian Binley (Northampton, South) (Con): I was the person fortunate—or unfortunate—enough to receive a phone call from the lorry driver in the first incident, and I not only raised the matter with the local police but wrote to the Home Secretary, arguing that although those people were supposed to come from Iraq, we did not know whether they were infiltrators from Iran, terrorists, healthy, criminal or whatever. We were amazed at the response. I therefore wrote to the Minister—

Mr. David Marshall (in the Chair): Briefly.

Mr. Binley: May I say what I wrote, Mr. Marshall? It is pertinent, if you will allow it.

Mr. David Marshall (in the Chair): Interventions should always be brief, so please hurry up.

Mr. Binley: I shall try to keep my intervention as brief as possible.

I asked for a review of the protocols, arguing that they simply were not good enough. Although I have not received a response to my letter, the hon. Member for Northampton, North (Ms Keeble) has, and I am told that changes have been made to the protocol. Will the Minister refer to those changes? If they have been made, it could help us in Northamptonshire enormously. Thank you, Mr. Marshall.

Mr. Hollobone: I am most grateful to my hon. Friend for that informed and helpful intervention.

Before I move on from Northamptonshire, the latest figures with which Northamptonshire police have been kind enough to provide me show that some 27 people have been reported to them jumping off the back of lorries in the county over the past year. Those are fresh figures that are bang up to date. Some 74 other illegal immigration cases have been notified to the police, too.

I am afraid that the problem is not confined to Northamptonshire. I have the honour and privilege to serve on the Criminal Justice and Immigration Bill Committee, and in evidence to that Committee on 16 October, Jan Berry, the chairman of the Police Federation, confirmed in response to my question that the examples I cited from Northamptonshire were commonplace throughout the country. She said:

> "That is an accurate description of what is taking place in many areas of the country, where there is not necessarily any provision for people to be transported to the different centres. When we call up, that is exactly the advice that we are given. We encourage people to get on a bus, train or other form of transport, and surprisingly very few actually reach the destination. It is certainly something that our members have said to us is of concern."—*[Official Report, Criminal Justice and Immigration Public Bill Committee,* 16 October 2007; c. 56, Q108.]

That is a national disgrace, to be quite blunt, and the Government must act and act soon to prevent it from happening again.

In an effort to be helpful to Her Majesty's Government, I have tabled an amendment to the Bill, new clause 17, which I hope that the Committee will discuss in due course. I seek the Minister's support, and I hope that she will consider whether the proposed amendment might help to address the concerns that local people in Northamptonshire and, I am sure, throughout the country, have about the issue. My amendment would place a duty on the Border and Immigration Agency to ensure that those immigrants were detained by the arresting authorities.

4.9 pm

Sitting suspended for a Division in the House.

4.24 pm

On resuming—

Mr. David Marshall (in the Chair): I understand that there was some confusion about the time on the clocks when we suspended. I am advised by the Clerk that we suspended at 4.9 pm. We would have had 21 minutes left, so we will continue until 4.46 pm.

Mr. Hollobone: Thank you, Mr. Marshall.

I return to the new clause that I have tabled to the Criminal Justice and Immigration Bill. New clause 17 would place a duty on the Border and Immigration

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Agency to arrange with local police for suspected illegal immigrants to be detained in custody until the agency could pick them up. The situation is so serious that there ought to be a legal duty on the agency to ensure that such people are not released. Hon. Members can imagine the concern in Northamptonshire that such people are being set free. Common sense says that they should be detained, but the law allows them to be released, and the agency's practice effectively encourages their release. We simply do not know what type of people they are, whether they pose a threat to national security, or whether they have some kind of communicable disease that could infect local people.

Mr. Bone: Does my hon. Friend agree that the problem is even worse in Northamptonshire because of the thousands of legal migrant workers from the European Union who come to the area? There is uncontrolled immigration, everything gets mixed into one pot, and there is a real danger of extremist parties coming in and peddling their wares.

Mr. Hollobone: My hon. Friend is absolutely right, as usual. I do not think that any of the major political parties realises the extent of public concern about immigration. Until one of the main parties deals properly with this whole issue, we will, as my hon. Friend says, see the growth of extremist political parties that distort the issue for their own ends and do not help at all. Serious issues need to be addressed. This is not a racist topic. Concern about illegal immigrants is nothing to do with where they are from or the colour of their skin. People are concerned about their illegal status and think that they should be detained until that illegality is addressed.

There are about 600,000 illegal immigrants in the country, many of whom are at large. Will the Minister confirm the latest estimates of the number of illegal immigrants in the country? We see precious little sign of any effective deportation programme to ensure that such people are returned to from whence they came. Even if there were an effective programme, it would take 10 to 20 years to remove all the people who have entered the country illegally.

The specific focus of this debate is the practicality of the existing arrangements. Northamptonshire police and other police forces do their best in relation to the illegal immigrants whom they apprehend, but the official advice that they receive from the Border and Immigration Agency is to let such people go.

Mr. Evans: I hope that the Minister will address the issue of those people who enter the country illegally both by lorry and by air. Will she tell us when there will be proper passport checks abroad? When will the new equipment come in to ensure that those who destroy their documents aboard planes can be caught because we will have a copy of their passports and thus know where they come from? Those people will then not be allowed to enter the country.

Mr. Hollobone: My hon. Friend makes an excellent point and I hope that the Minister will address it in her response.

A national scandal is occurring, and we cannot allow the official practice of the Border and Immigration Agency to continue as it is. At the very least, the agency must develop a presence in Northamptonshire. We should also amend the law to close the current loophole. Local law enforcement agencies such as Northamptonshire police are doing their best in difficult circumstances and I have no criticism of them whatever. Indeed, I commend their diligence in reporting cases, as instructed, to the Border and Immigration Agency. However, I utterly condemn that agency's advice that the people concerned should be released into the wider community.

In my opening remarks I described the Minister as one of the most important people in the country. It is time for her to live up to that position, fully address the responsibility that her proud office confers on her, and take effective action to ensure that there are no repeats of such events.

4.30 pm

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): It is a pleasure to serve under your chairmanship, Mr. Marshall. I congratulate the hon. Member for Kettering (Mr. Hollobone) on securing the debate, and I thank other hon. Members for their interest in this important issue.

I am aware of the detailed matters raised by the hon. Gentleman, because my hon. Friend the Member for Northampton, North (Ms Keeble) has been discussing them with the Home Secretary, the Minister for Borders and Immigration and me for a number of weeks—at least since the middle of September. I am delighted that the hon. Gentleman has now taken them up directly with Ministers. It is the first time that he has done so, and it is good news that he has, and that hon. Members across Northamptonshire are taking an interest in such important issues.

Mr. Binley: I shall be brief, because I do not wish to curtail the time available to the Under-Secretary. I wrote to the Secretary of State on 17 September and asked for an inquiry and for changes in protocol. Will the Under-Secretary find out why I have not received a response, and will she write to me personally on that? She mentioned the names of certain other hon. Members but did not include me, and I am worried that my letter might not have got through.

Meg Hillier: I shall certainly look into that and ensure that the hon. Gentleman receives an answer as soon as possible.

The Government recognise that migration policy needs a new balance between economic benefits and the wider impacts of migration. The Government intend that only those whom Britain needs should come here to work and study. At the end of my remarks, I shall outline a number of new measures that we will introduce in the new year.

Cracking down on illegal migration—within and at the UK's borders, and before people arrive—is an essential part of achieving that balance. The Government are committed to building stronger borders, and hon. Members who have travelled recently will have noticed, I hope, that all border immigration officers now wear uniforms and that checks have been stepped up. From next year, we shall introduce identity cards for all foreign nationals, which will make clearer which of them are entitled to be in the country and which are not. We also have a watch list, which means that those people trying to enter the country who are known to be dangerous are excluded. The quicker that we can match people to their real identity and tackle multiple identity fraud across the board, rather than only in the context of immigration, the better. I look forward to the firm support of the hon. Member for Kettering for the introduction of identity cards both for foreign nationals and for British citizens, as they are an essential part of maintaining our borders. From what Conservative Members have said, I am pleased to infer that they are leaning towards agreement with that position.

It is important to maintain our borders—within the country but also from outside. It might reassure the hon. Member for Ribble Valley (Mr. Evans) to know that airline liaison officers are deployed in a number of countries to prevent such people boarding aeroplanes in the first place. Under European initiatives, we shall introduce passenger name records in conjunction with European partners, although we already undertake a certain amount of such activity. The new measures will mean that the details of every passenger who boards an aeroplane will be sent to the UK immigration authorities, so that anyone who should not be entering the country is removed—either before or during the flight. I hope that that provides some reassurance.

Mr. Evans: Will the Under-Secretary give way?

Meg Hillier: I shall, but this must be the last occasion, because I am short of time.

Mr. Evans: Of course. Will the Under-Secretary say when that technology will come into use at airports and at points of embarkation and disembarkation?

Meg Hillier: It is already in use in some areas, and I shall write to the hon. Gentleman with the details. We are looking to extend the coverage further with our European partners. Our work with some countries is better than with others.

Some detailed points have been mentioned about the incident in Northampton, and I have been asked by hon. Members to explain what the Government and the Border and Immigration Agency plan to do to tackle its cause. I agree that the police should not have released those who were released, and we have ensured that that will not happen again. The senior management at the Border and Immigration Agency have underlined to the regional directors who are now in place up and down the country—including for Northamptonshire—the need to treat so-called "lorry drops" as an operational priority. That advice is effective immediately.

The new directors are meeting chief constables from across the country to ensure that there is proper co-operation with the police, and the Home Office is working centrally with the Association of Chief Police Officers to make sure that there is buy-in nationally from the police. Most lorry drops happen in London and the south-east. In those areas, we have established mechanisms for responding to arrests within four hours in most cases, so that police cells are not filled up with illegal migrants and so that a Border and Immigration Agency member of staff is available to do the processing checks.

If someone applies for asylum, they are not always detained; they might be released. It is a matter of assessing the risk in relation to the individual, making sure that the case is properly documented, and providing that person with proper identity documents so that we know where they are and what they are doing. It is important to stress that that already happens.

We are also in the process of trialling mobile detention vans in Poole until March next year. My hon. Friend the Minister for Borders and Immigration has asked the Border and Immigration Agency to begin planning a second phase of trials, which will include tests on how we deploy mobile detention facilities "in country". We shall consider Northamptonshire as a possible area for such work.

We shall shortly develop a series of joint activities with the police, one of which is shared intelligence planning designed to target facilitators of illegal immigration. I am sure that Members from all parties would agree that that is a good idea. As you might know, Mr. Marshall, organised crime may account for up to 75 per cent. of illegal immigration to this country, so it is important to have the police on board.

Some of that good work is happening in my own constituency. On Friday, I visited Operation Swale, in which Border and Immigration Agency staff are deployed in a police command unit—in London, a borough command unit—and can check people's immigration status at the point of arrest and work with the police to ensure that criminals are deported if immigration offences or illegal status are part of the problem. The operation is having a huge impact on the streets of Hackney, Islington, and Waltham Forest, and I have met police officers from each of those three London boroughs. We need more of that kind of work, and I hope that that pilot operation will shortly be rolled out elsewhere. I shall certainly talk to my ministerial colleagues who are responsible for such matters so that they are aware of how well it has worked on the ground.

There is an arrangement in Kent whereby police patrols that come across cases of illegal migration take the relevant people to 24-hour screening units in Dover for processing. We shall continue to encourage the police to arrest illegal entrants so that those entrants can be properly screened and vetted, so that we know where and who they are, and so that they are appropriately dealt with.

There has been some success in preventing people from entering the country in the first place. We deploy state-of-the-art detection technology, particularly at ports abroad, as well as at our main UK ports. I have myself seen heartbeat monitors and devices that can tell whether someone is hidden in a van. That sort of work is important in reducing the number of illegal entrants. We also level civil penalties against hauliers for illegally carrying people into the country. Although I am heartened by the tone of today's debate, in that Conservative Members clearly want to prevent people from entering the country illegally before arrival in the UK, I am sad that they voted against those fines. The fines have clearly helped.

That, along with our juxtaposed controls in France and Belgium, in 2006 prevented 16,898 people from

[Meg Hillier]

crossing the channel illegally, and refused 6,801 people entry when they had reached the UK. It is important to put it on the record that we are already preventing many illegal migrants from coming into this country. In Kent, we have had good success in reducing the number of illegal immigrants arriving since 2002 by 88 per cent. We have made important progress.

Since the abolition of embarkation controls by a previous Government in 1994, we have been unable to assess with certainty the number of foreign nationals who enter or leave the country, which is why we are introducing some important changes in the next year. Before I go on to those, I have a little time to explain which other people we are removing because they should not be here. Last year, we removed more than 13,000 non-asylum immigration offenders, which is the highest number on record, and removed more than 16,000 principal asylum seekers who were unsuccessful in their claims—more than during the final four full years of the last Conservative Government.

Alongside that, asylum applications are already down to their lowest level since 1993.

Mr. Hollobone: Will the Minister confirm the latest official estimate of the number of illegal immigrants in the country, and will she be kind enough to respond to my request to look at my tabled amendment?

Meg Hillier: I did not catch the hon. Gentleman's last few words.

Mr. Hollobone: Will the Minister use her good offices to look at my tabled amendment to the Criminal Justice and Immigration Bill?

Meg Hillier: I shall happily look at it, and I am sure that I shall look at more than just the hon. Gentleman's tabled amendment. Some of the measures that I have mentioned today are already tackling a number of the issues that he raised. We always look at amendments from hon. Members of any party and any point of view.

I shall write to the hon. Gentleman about official estimates, but they are just estimates, and we must deal with facts. That is why we will introduce our e-Borders system next year. It will count people out of and into the country, so the numbers will be clear. Our new points-based, five-tier system is based on the Australian system. Any Australian immigration official can quickly say exactly who is in the country, and who should and should not be there. They are successful in their work of deporting and encouraging those who are not there legally to leave, as we do, but we are hampered at the moment. The new measures, which I am sure that Conservative Members will support, will be welcome.

Last year, we removed nearly 3,000 foreign national prisoners. In the first quarter of this year, we doubled the number of removals compared with the same period last year. We are keen to remove the most dangerous people from the country first. That is important.

On monitoring people in and out of the country, our e-Borders programme has captured data on 29 million passenger movements—as I said to the hon. Member for Ribble Valley, passenger name records and so on are part of that, as are airline liaison officers—and issued more than 15,000 alerts to border agencies about people who are not desirable to have in the country, which resulted in 1,200 arrests. We are having real success in tackling people who should not enter the country and who are dangerous to the UK.

During the next 12 months, we will oversee the biggest shake up of the immigration system in its history, and it will change out of all recognition. The points-based system, which is modelled on the successful Australian system, introduces five tiers for people wanting to enter the country. They range from highly skilled migrants down to agricultural workers. It will clarify and simplify a system that currently has 60 routes for people to acquire legal status in this country. There will be a transition period for people currently in the country under the old regime, but the new approach will begin to ensure that only people whom Britain needs can come here to work and study.

We are listening closely to independent advice from the migration advisory committee on the needs of the economy, to ensure that the people coming into the country will benefit it. The net benefit to Britain is substantial, but there is an impact on different communities. I represent an inner-London community that welcomes migrants and has done so for many years, but we recognise that there are issues for local schools, hospitals and so on.

The migration impact forum, which brings together people from a range of professional backgrounds as well as from different regions of the UK, will advise the Government on society's capacity. It met on 17 October—I shall correct the record if I am wrong—with my hon. Friend the Minister for Borders and Immigration and the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Gloucester (Mr. Dhanda), who jointly chair that important forum. In a few years, we will be well on the way to reinstating entry and exit controls to count everyone in and out. By the end of 2010, that system will be fully up and running. We will continue to make use of our new powers and resources to tackle illegal immigration in the UK and beyond our shores.

The Government's approach is robust. We want a fair, firm and transparent immigration policy that is swift to deal with people whom we know should not be here, and swift to deal fairly with people who can contribute to this country so that they understand their status and position. We shall ensure that we count people out and in to achieve that goal.

Dudley Library Closures

4.46 pm

Lynda Waltho (Stourbridge) (Lab): What is a library? Is it a collection of books, DVDs, CDs and videos? Is it a place to expand knowledge or surf the internet? Is it a community hub, an information exchange, a homework club, a writers' club, or a rattle and rhyme club for toddlers? The answer, of course, is that it is all of those and much, much more, but not for much longer in my constituency or in Dudley. I applied for this debate because, unless the Minister can come to our aid, the library service in Dudley is under threat with the recent announcement that the Dudley library authority is to close five libraries.

How did we get to that point? In October 2005, Dudley council commissioned a peer review of the service. It recognised many strengths, including staff commitment and motivation; high customer and partner satisfaction rates; excellent work with children, including Bookstart and rattle and rhyme sessions; improving book stock and usage; and improving information and communications technology provision and usage. It was hardly a poor report. However, it highlighted a number of areas to develop, such as management arrangements better to support and develop services and staff, and a need for stronger leadership and a clear vision for the service. It commented on a lack of flexibility to meet projected future needs.

Following that report, in September 2006, Dudley's cabinet approved the document, "Providing a modern library service…a strategy for the future." It proposed a vision for the library service to be open and accessible to all. It set out principles that would result in a modern service, chief among which was a proactive service valued by partners and stakeholders, and a service that exceeded standards and expectations of which we could all be proud. Staff and users cheered.

We were promised—and we looked forward to—services focused on the community's needs with well trained and competent leaders, the right stock in the right place at the right time, bright lights, and welcoming, flexible buildings as a focus for communities. We were promised a proactive service that would be valued by partners and stakeholders—a can-do organisation. What did we get? There was an announcement in the press last month that Quarry Bank, Woodside, Dudleywood, Amblecote, and Wallheath libraries were to close. That announcement fell well short of our lofty ambition. There will be a disproportionate impact on my constituents because four of the closures will affect them directly. The plan was viewed quite simply as a cynical attempt to cut services in areas of low book and computer ownership to save money and help with the council's finances and overspend, and to put pressure on the most politically marginal seat in Dudley.

Lyn Brown (West Ham) (Lab): Did I hear my hon. Friend correctly? Is Dudley council choosing to close libraries in areas of low book and computer use? If that is true, it is nothing short of disgraceful.

Lynda Waltho: I am sorry to say that that is exactly right. Although GCSE results are improving year on year, the closures can only have a detrimental effect on that improvement.

Following the 2006 report, the authority held a staff conference. I was invited to make a contribution as a local MP and member of the all-party libraries and information management group. Although there was a degree of apprehension, many of the staff felt able to contribute and were confident that the subsequent year-long review would provide further opportunities to consult decision makers. Sadly, that proved to be the high point of the process, rather than the beginning of a genuine dialogue in which everyone had a stake and there was a wish to go from strength to strength.

Apart from on one or two half days and through visits from consultants, nothing was heard for the best part of a year. I received many letters on the issue from library staff, and I shall give the Minister a flavour of how they felt. One letter stated:

> "I was told that there is to be no staff conference this year (2007). I feel this is a pity as all sorts of half truths and rumours are circulating around the libraries. It would have been an opportunity to announce to everyone in one go the new structure of the service and the place of everyone in that structure. The protracted and secret rolling out of change over months and months gives staff the feeling of instability and insecurity, made worse by being addressed in manner that makes them feel untrusted. Was not communication a subject that the Peer Review highlighted as an issue to be addressed?"

Another letter stated:

> "'Blueprint for the future' has begun with a dramatic reduction in senior staff at Stourbridge Library. So much so that staffing such a large library open for 40 hours a week has become difficult to the point of not being able to deliver the quality of service to our customers of which in the past we have been so proud. Other libraries in Dudley are suffering in a similar fashion and we know they support us but are unable to give us their backing for fear of repercussions."

A third letter stated:

> "Our management have not forseen the problems we now encounter or if they have they choose to ignore them. They have used behaviour that is not far from threatening to intimidate the staff and prevent us from having an opinion. We have reasonably requested meetings and have been denied. We wholly embrace the remodelling of our service however recent events resulting in the present chaotic situation we now find ourselves in have led us to have no confidence in the process so far."

Sadly, local residents and users of the service have also largely been left out of the review, which has once again allowed the rumour mills to roll. Reports of possible closures periodically appeared in the press and were subsequently denied by the authority. The first official word on the review was announced to the press at the beginning of September. The decision was agreed by the cabinet on 12 September and rubber stamped at a meeting of the full council last week. Thankfully, it has been called in by the scrutiny committee and will be examined in Dudley this very evening.

The Minister has experience of local authority matters and knows how to run a competent consultation. Will she comment on the fact that we are not able to get a copy of the full report, and on the lack of evidence of a feasibility study or any consideration of alternatives to the closures? There has been no impact assessment on the damage that might be caused to education or attainment and no significant consultation with staff or users. There is no evidence that local partners or businesses were consulted.

Not surprisingly, local people are up in arms. In one week alone, I received a petition signed by 2,000 people and hundreds of letters, e-mails and calls. In its wisdom,

[Lynda Waltho]

the authority has suggested replacing the libraries via a system of what it calls library links. The facility will have 1,500 books. Dudley council describes the facility as suitable for the community, but it is the equivalent of only five library bookshelves. The average number of books in the libraries is currently between 10,000 and 15,000.

In addition to those 1,500 books, there will be online links to town centre libraries that will be staffed for only 10 hours a week—partners and volunteers will be asked to work in support. The request service will be available through a computer to the borough's stock and there will be next-day delivery. The council is advocating the replacement of a building that is at the heart of the community with nothing more than an electronic ordering desk.

I confess to being a lover of books. The local librarian in the area in which I grew up was as important to me as my school teachers. One of the joys of books is picking them off the shelves and browsing through them. One can even open them at the back page to find out what happens at the end. This is about the joy of books. As a mother and former teacher, I watched my children and those whom I taught developing a similar love of books, and learning the alphabet or dictionary skills, or how to use an index or bibliography.

When I visit the libraries in my constituency, I see all sorts of people of all ages browsing and comparing books, chatting, advising people and taking advice. I see children and students doing their homework and people taking part in book clubs. I see writers, silver surfers and grannies and grandpas learning to use e-mail. Those activities are all quality experiences. This is about community. It is difficult to accept that an electronic ordering desk that sounds suspiciously like a supermarket checkout and that will be staffed for only 10 hours a week will come close to the experience of a library.

Frankly, the residents of Dudley and Stourbridge deserve more. They deserve to be heard and consulted, and to retain at least the level of service that they currently access and library staff who are well trained, professional, engaged and—importantly—valued.

The Public Libraries and Museums Act 1964 requires 149 top-tier local authorities to provide comprehensive and efficient public library services. The Secretary of State for Culture, Media and Sport has a duty under the Act to supervise the delivery of library services and to promote their improvement. Broadly, that means that authorities are required to provide people who live, work or study in their area with free-of-charge access to books, printed material and pictures that they can borrow or refer to in line with their needs. That will not be the case if Dudley council's new policy makes progress.

I accept that the closure of a library, or even a small group of libraries, does not necessarily constitute a breach of the Act, but the Department for Culture, Media and Sport would be alarmed if the closures were due to financial considerations alone, or if the library service was disproportionately affected by an authority's need to make savings. I am convinced that Conservative-controlled Dudley council has been motivated by such considerations. Will the Minister formally intervene and call the authority to account to save the libraries in Stourbridge and Dudley?

4.57 pm

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): I congratulate my hon. Friend the Member for Stourbridge (Lynda Waltho) on securing this debate and on the hard work she does on behalf of her constituents. I also acknowledge the hard work that my hon. Friend the Member for West Ham (Lyn Brown) does for libraries nationally. She diligently takes every opportunity to ensure that we think about the role of public libraries in our public service infrastructure.

I share a love of books with my hon. Friend the Member for Stourbridge, and I completely endorse her view that libraries are an important part of the infrastructure that enables all members of our community to develop a love of books and to access books locally. I agree that browsing around a library, if one has such a facility, is a powerful way in which to push back the boundaries of one's knowledge, interests and experience. Browsing is about exploring new literature, information and experiences, which can only expand one's enjoyment of life and enhance the quality of it.

The Government are proud of our record on libraries, which have improved significantly since we came to office. In the past 10 years, there has been a 39 per cent. increase in library funding. The money goes to local authorities, and it is down to them to decide how they will use their resources, but extra money has been put in. Libraries are now open longer, which is welcome, and it is important that we have reversed the decline in the numbers of library visits. In the past five years, visits have increased by 7.5 per cent., so there are now 290 million visits every year to our libraries. That translates to 1 million people going to their library each and every day when the libraries are open.

I am also pleased that we now buy 1.5 million more books than were bought in 1997. That statistic is sometimes misinterpreted. Although the stock may be less than it was then, mainly because of new technology, we are acquiring more and therefore expanding the resources in our library infrastructure year on year, and I am proud of that.

Like me, my hon. Friend accepts that libraries have to change to be relevant to and attract the customer of today. They must respond to changes in the way in which we all receive information, given the very fast-moving developments in information and communications technology. They have to change, because our leisure patterns have altered, so the way in which we want to access facilities and the range of facilities open to us have altered. They also have to change because the price of books has altered—books have become cheaper, and sometimes the facilities offered in bookshops make them very attractive for people to browse around and to take their children to.

The best of our libraries are doing just that, and I shall take two examples in my hon. Friend's area. Sandwell has express libraries in two children's centres, which is a powerful way to reach at a very early stage the families who are most in need and to develop in children from the earliest stage a love of books, which is hugely important. Birmingham Central library is an interesting example, because its business insight service provides support to people who want to start, grow or develop businesses. Those are two examples of how we can adapt to the modern age.

Lynda Waltho: I accept that. I know that Sandwell is doing very well with its libraries, as is Birmingham, and they are both neighbouring authorities. In this case, however, there is no evidence that Dudley ever considered thinking outside the box. If it could take the example of Sandwell or of Birmingham, I would be a very happy MP, but there is no evidence of that.

Margaret Hodge: I hear that point, and I will address the local issue. Central Government have an important role to play in improving and benchmarking the performance of library authorities, raising awareness of best practice and developing national initiatives that can be delivered locally. However, my hon. Friend will know that our powers of intervention are limited by the framework of the legislation. Of course, the whole thrust of public policy is to devolve more and more authority downwards. In that context, it becomes ever more difficult to get central Government intervention. Even though we at the centre may be promoting a particular policy, democratically elected local authorities may choose to do something different. I hope that my hon. Friend appreciates that difficulty.

Let me now deal with Dudley. We have set 10 service performance standards against which we judge libraries. Dudley achieved those standards in six of the 10 categories. One of the standards that it did not achieve relates to opening hours. The figure for the aggregate scheduled opening hours per 1,000 population—that is a funny way of measuring it—is 114 against the figure for all metropolitan district councils of 129. The number of library visits per 1,000 population was, at 5,081, below the national average—it was below the figure of 5,303 for all MDCs. The number of items added to the collection per 1,000 population was low—it was 172 against 223. The number of years taken to replenish lending stock was much higher than that taken by other authorities—it was 10.5 years compared with an average for all MDCs of 6.4 years.

Dudley has one of the lowest per capita spends against the 39 per cent. increase in funding. Although it meets six of the 10 library standards and is good, for example, in respect of satisfaction indicators for adults, it has the lowest score among the metropolitan districts in the region for children expressing satisfaction with the service. Only Birmingham reports being open for fewer hours than Dudley, and Dudley acquires fewer books than neighbouring districts. Birmingham Central library attracts more visitors, and the number of visits to Dudley libraries is among the lowest in the region.

Lynda Waltho: I understand the point about meeting those targets, but can the Minister explain how reducing book usage and reducing the hours to 10 a week will help Dudley to achieve anything apart from a cost saving?

Margaret Hodge: No, I cannot, and I am interested in that comment by my hon. Friend. She has said that she cannot get hold of a copy of the report, but I have been told that the report is online and should therefore be available to her. I suggest that she has a look and writes to me if that is not the case.

I think that my hon. Friend agrees that, given Dudley's performance, it was appropriate to have a peer review. As I understand it, Dudley consulted the local community, which expressed the same wishes as most communities: the community wanted modern, properly equipped libraries, good-quality stock and decent opening hours. They wanted better libraries, and I think that we can all accept that a radical review is right.

I am told that Dudley is considering extending its opening hours. If that is the case, we should welcome it. If that is the way in which Dudley chooses to use its resources, it is welcome. I am also told that it is entirely recycling the savings that it makes from any changes back into the library service. I am sure that my hon. Friend can confirm that with the local authority, but if it is the case, it, too, is welcome, because there is a pattern across the country in which, when libraries undergo reviews and there are savings, they tend to be taken back to the centre. Dudley is not doing that, which we should welcome.

Lyn Brown: I thank my right hon. Friend for being so generous in taking interventions. May I ask her to address the issue that my hon. Friend the Member for Stourbridge (Lynda Waltho) raised earlier, which was about Dudley council choosing to close libraries in areas of low book and computer ownership? Whatever the excuse for that, it means taking resources from those who are possibly less able to articulate their needs and desires. It is about taking away from those who have no political power.

Margaret Hodge: I could not agree more, and I was just coming to that point. I understand the concerns about the proposed five closures. I understand that those five libraries account for 6 per cent. of library issues and 5 per cent. of visits, but if we want to extend access, it may be that that is where we should provide access. I am not against closures—that is true of any Government—particularly if they lead to an improvement in the service, but we have to be clear about the objectives and whether the strategy meets them. I do not know whether, in this instance, Dudley has as an objective of widening access to its library services, and I do not know whether it has asked itself whether these closures will help or hinder that objective.

There is also an issue about consultation in Dudley with the communities affected. In my view, it is crucial that Dudley should undertake proper consultation with the communities affected and should be clear, in putting forward its revised strategy, that it has clear objectives that we all understand and feel content with.

As my hon. Friend the Member for Stourbridge has said, the scrutiny committee meets tonight. I will ask for a report from that committee. If the proposition remains that five libraries are intended to close, I will want to be reassured that the needs of the five communities are not overlooked. In that context, I urge my hon. Friend, who has brought this debate to Westminster Hall today, to continue with her good work locally to ensure that her constituents' interests and needs are well met through a local library service.

Question put and agreed to.

Adjourned accordingly at nine minutes past Five o'clock.

Westminster Hall

Thursday 25 October 2007

[ANN WINTERTON *in the Chair*]

Emissions Trading

[Relevant documents: The Second Report from the Environmental Audit Committee, Session 2006-07, The EU Emissions Trading Scheme: Lessons for the Future, HC 70, and the Eighth Report from the Committee, Session 2006-07, Emissions Trading: Government Response to the Committee's Second Report, HC 1072.]

Motion made, and Question proposed, That the sitting be now adjourned—*[Mr. Watson.]*

2.30 pm

Mr. Tim Yeo (South Suffolk) (Con): I am delighted that this report has been selected for debate this afternoon, and I warmly welcome the Minister and, indeed, the shadow spokesman. We look forward to a dialogue with the Minister and her colleagues about the issues raised in the report. I am particularly glad that both Front-Bench teams are represented by Members who are known to have a genuine and long-standing interest in the subject—in my experience, that is not always the case.

Today's debate is extremely timely for two principal reasons, the first of which is the growing urgency of the threat of climate change. Every week, there are news items that reinforce the reality of something that many people have long suspected but that has been difficult to prove. Month by month, the scientific evidence grows and it is clear now, even to the most determined climate change deniers, that it is happening. Furthermore, it is pretty clear to those of us who have followed the issue closely for 15 years that it is happening much faster than was originally expected—or perhaps much faster than the scientists who first flagged up the warnings dared to admit that they expected. Certainly, it is proceeding extremely quickly, and it is more and more likely that human activity is one of, if not the main, causes.

Despite the rapidly accumulating evidence, however, about the urgency and causes of climate change, the world's response continues to be grossly inadequate. Global greenhouse gas emissions are a third higher than they were in 1990, and rising, despite universal agreement that, to keep the concentration of greenhouse gases in the atmosphere at levels consistent with a rise in temperature of no more than 2° C, they need to be lower than they were in 1990, and falling, and despite the nearly universal acceptance—as a result of the very authoritative Stern report—that action now will cost very much less than action later.

Even here in Britain, where successive Governments have played a distinguished and constructive role in leading the international debate for two decades, progress in cutting emissions has faltered. The Government, who admirably set targets for emissions cuts that went beyond those required by the Kyoto treaty, are now struggling to meet those targets and appear unlikely to do so. The limited progress made in cutting emissions during the 1990s, even though the economy was expanding for most of that period—as we all know, that progress was due principally to the dash for gas—has been halted. We have found in several recent years that emissions have risen, not fallen.

The second reason that the debate is very timely is that, potentially, emissions trading is one of the best tools for addressing climate change. In its purest form, emissions trading is a mechanism for directing resources to areas and technologies that cut emissions in the most efficient and cost-effective way. It is, of course, not the only tool for addressing climate change. Market instruments have a big role to play. Britain and some other countries have dipped their toes into the water in respect of market instruments. As it does every year, the Environmental Audit Committee will soon address the pre-Budget report, but given that it has not yet done so, I am speaking personally, rather than for the Committee, when I say that I was very disappointed with the extremely limited measures announced two weeks ago in that report. We are not going anywhere near as far or as fast as we could to use market instruments in this country.

Alongside emissions trading and market instruments, regulation has a role. Climate change is far too big and urgent a problem for us to rely on any one solution; we need to throw every available weapon into the fight. Neither market instruments nor regulations can guarantee a specific and quantifiable cut in greenhouse gas emissions in the way that a cap-and-trade emissions trading system can. Market instruments can incentivise consumers—businesses and individuals—to reduce their carbon footprints. Regulations can require certain processes to be amended, including, for example, vehicle engines. However, they cannot do what emissions trading can. A cap-and-trade scheme can specify a level of greenhouse gas emissions and guarantee, if it is policed and implemented properly, that that level will not be exceeded.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op) *rose—*

Ann Winterton (in the Chair): I call Dr. Lazarowicz.

Mark Lazarowicz: As a member of the Environmental Audit Committee, may I put on the record my appreciation of the way in which the hon. Gentleman chaired the Committee during the preparation of what were extremely technical evidence sessions. We are grateful to him for doing that.

The hon. Gentleman mentioned that the cap-and-trade scheme has the theoretical possibility of delivering results, which is why we should be doing our best to make it successful. However, he is aware, as we all are, of the danger of leakage from a cap-and-trade scheme, which means that this country could meet—

Ann Winterton (in the Chair): Order. I think that it would help hon. Members if interventions were much shorter. Despite the fact that I awarded Mr. Lazarowicz an honorary doctorate, I must ask him to bring his remarks to a conclusion as quickly as possible.

Mark Lazarowicz: Would the hon. Gentleman consider the importance of placing a link on how far we can meet our targets by purchasing credits from

[Mark Lazarowicz]

overseas, because there is a danger that we purchase credits from overseas and then do not take steps to cut emissions in the UK?

Mr. Yeo: I am grateful to the hon. Gentleman for his kind remarks. I appreciate the contribution that he makes to the Committee. I agree with his point, to which I shall refer specifically in a moment or two, and we highlighted it in the report that we issued earlier in the year and returned to it in our comments on the Government's response. It is true that, to make a cap-and-trade system effective, we require greater political will than has been shown so far in the EU system or any other.

Certainly, we are much more conscious of climate change than we were five years ago. It is equally certain that, five years from now, international alarm about climate change will be much greater than it is today. Then, if not now, the public might be clamouring for the further, tougher and more radical steps that are needed to tackle the problem effectively. The continuing increase in greenhouse gas concentrations in the atmosphere might be such already that dangerous and irreversible climate change is unavoidable. Even if that is not the case, it is very likely that the steps needed to prevent it would involve far greater cuts in greenhouse gas emissions than those in the targets that have been agreed. We talk about cuts of 60 per cent., but it is almost certain that we would need cuts of 90 per cent. by a significantly earlier date, if we are to contain the risk of irreversible climate change. Of course, neither Britain nor anywhere else in the world is anywhere near being on target to achieve even the modest and, in my view, insufficiently challenging targets that we have set ourselves.

That is the background to the Committee's report and the debate. The importance of the EU emissions trading scheme is that it is the first, and so far only, international trading system to be operating fully. The first three-year phase ends at the end of 2007, so this is a good time to take stock of progress. The importance of the scheme extends far beyond Europe; the whole world is watching to see how the EU ETS works. If it should fail or prove seriously defective, the chances of emissions trading being adopted in other parts of the world might be reduced, although in my view the momentum from the business community in the United States is such that a national US scheme will inevitably start within the next two or three years. Either way, it is vital that we learn the lessons from the first phase of the EU ETS and apply them in the future.

I hope that the Government will be honest and realistic, and not try to over-claim the results so far. Our report highlighted the need for the Government to be more transparent about emissions trading. So far, phase 1 has achieved very little: it has not cut carbon emissions, and it has not achieved a sustainable price for carbon, which would incentivise investment in low-carbon technology. It has failed on the two most important objectives. However, we must not be too harsh. The scheme, by its very existence, has done more than any other scheme elsewhere. It has shown that trading can be undertaken internationally and a market established, which, by themselves, are worthwhile gains.

There are two main flaws in phase 1. First, the national caps were set far too high; indeed, only Britain had to make significant cuts in emissions from its pre-phase 1 levels. Secondly, the allowances were allocated by bureaucratic decision instead of by being optioned. The first flaw has, with pressure from Britain, been partially addressed in phase 2. After a certain amount of haggling, the national caps for phase 2, which were announced after our report was published, were set at more realistic levels, and the forward market price suggests that the reasonable expectation is that phase 2 will force some meaningful reduction in emissions.

The second flaw, however, has been largely unaddressed, because the EU has unfortunately funked the need to introduce more options. Instead, it has set a 10 per cent. limit on the allowances that can be allocated by auction. We must be clear about how damaging that is. Emissions trading will cut emissions on an economically efficient and fair basis only when the trading is on a pure market basis, but the bureaucratic allocation of allowances undermines that purity. It guarantees inefficiency and unfairness in the scheme. We must therefore move as quickly as possible to auction 100 per cent. of allowances. It should be a definite target for phase 3, and we must make progress towards it in the meantime.

One advantage of a 100 per cent. auction is that it removes completely the need for national caps; all that is needed is a single EU-wide cap within which allowances can be bought by businesses in any EU country. The only issue that 100 per cent. auctions raise is what happens to the money that is paid. Business and individual consumers are understandably suspicious that it will just become a giant stealth tax. The money raised from auctioning should therefore be ring-fenced by law and returned to businesses and their customers in the form of lower taxes elsewhere. If those lower taxes were chosen to reward greener choices in the relevant industry, they could be used to incentivise further low-carbon technology.

There is an opportunity and a challenge for the EU with the forthcoming inclusion of aviation in the emissions trading scheme. Airlines are among the most experienced and effective lobbyists of any industry, and aviation will bring American airlines and companies into the EU ETS more directly than ever before. However, there is no reason why there should not be another single EU-wide cap on aviation emissions, which would apply to all domestic flights in the EU. It could and should apply to all flights—passenger and freight aircraft alike—taking off and landing in EU countries. No allowance should be allocated by bureaucrats and none should be given free to the airlines; instead, all should be auctioned.

Individual airlines—there are some honourable ones—that already take the need to reduce their carbon footprint seriously would have nothing to fear from the introduction of such a system. That approach would be the most effective way of using emissions trading to cut overall aviation emissions. Alas, the lobbying process and, I fear, the pleasure that some European Commission officials take in the power that they exercise when allocating allowances mean that such an approach is unlikely to be adopted in quite that form. As our report pointed out, there is a risk that, if the airlines are given the initial allowances free, they will enjoy the same windfall profits that some power companies did when they passed on the notional cost of allowances to their customers, despite having paid nothing for them. If airlines obtain a windfall advantage from a scheme intended to incentivise them to cut emissions, it suggests that neither the EU nor the airline industry is yet sufficiently serious about tackling the threat of climate change.

Reporting was another important concern of the Committee's report. Owing to the fact that the EU ETS is a trading scheme, firms can achieve their necessary targets for cutting emissions by buying allowances issued to other countries, rather than by cutting emissions. The hon. Member for Edinburgh, North and Leith (Mark Lazarowicz), who has now left the Chamber, made that point earlier. In theory, there is nothing wrong with that situation. The purpose of a market is to allow resources to be allocated efficiently, and the purpose of the EU ETS is to cut emissions globally, as well as locally. If it is cheaper to cut emissions abroad than at home, it makes sense to do so, but we must be honest about the extent to which that is happening. In publishing figures, the Government must distinguish more clearly between actual emissions reductions at UK installations and the purchase of carbon credits by British companies to meet their own reduction targets. There was concern about that in phase 1, because of the over-allocation of allowances to other EU countries, and it impacts directly on how much the system helps us to achieve our domestic targets for emissions cuts.

A related issue is the way in which emissions reductions are calculated. The Committee expressed its concern about the excessive use of business-as-usual projections to provide the baseline against which claims were made about the size of subsequent emissions reductions. The National Audit Office exposed the uncertainties attached to forecasts of future emission levels on a business-as-usual basis, and the Committee strongly believes that the only safe way to proceed is to use absolute figures for actual carbon emissions as the basis for making progress comparisons. Caps that are calculated by reference to business as usual have very little value. I hope that the Minister will persuade her Government colleagues to address the Committee's concerns about that point in future documents. The pre-Budget report, which was published only two weeks ago, contains some rather misleading statistics.

Another of our concerns is the variation in the extent to which different EU countries can use clean development mechanism credits to meet their national targets. There needs to be a consistent figure for the limit on which CDM credits can be used to meet domestic and EU targets. Again, there is nothing wrong in principle with using the CDM, but there must be a clear statement about how much it is used and a realistic limit put on the contribution from that source.

The ETS also raises issues about competitiveness. The hon. Member for Stoke-on-Trent, North (Joan Walley) expressed a particular concern about that during the Committee's work. Unfortunately, she cannot attend the debate today because she is indisposed. The competitiveness concerns relate to the burdens that may be placed on a business that has to take part in emissions trading when competing with businesses in other parts of the world that may not have the same burden. I recognise that some companies have genuine concerns about that issue, but we must be careful about special pleading from vested interests. In the long term, it is in the interests of British business and individual firms for us to be in the forefront of low-carbon technology. There will be a huge advantage in 10 years' time for the firms, industries and countries that make the switch to low-carbon technology early on.

I wish to touch briefly on the role that trading could play in the future. Crucial negotiations about the international response to climate change in the post-Kyoto phase are now beginning. It is vital that big emitters, such as China and America, become full participants in that phase, and the use of emissions trading is one way to draw them in. One of the most difficult issues in addressing climate change is equity—how can one fairly apportion the burden of combating a historical problem to which some countries have contributed much more than others, albeit unwittingly? That problem is made more complicated by the fact that the harmful consequences of climate change are also distributed inequitably. A landowner in the Scottish highlands may view the prospect of climate change with more equanimity than a subsistence farmer in a low-lying part of Africa or even a city dweller in Australia—at least, for a generation or two. In the end, the fairest solution must be based on contraction and convergence, as that would even out the amount of greenhouse gas emission for which different countries and individuals are responsible.

Of course, it would be difficult to agree a basis and timetable for working towards a system of contraction and convergence, but the present situation, whereby per capita emissions are 100 times greater in a rich country, such as America, than a poor one, such as Tanzania, is unsustainable. Progress towards contraction and convergence could be facilitated by more international emissions trading. Unlike the alternative measures, such as carbon taxes, whose impact is essentially regressive on those who pay them, emissions trading offers a tool for tackling climate change whose impact is basically progressive.

Colin Challen (Morley and Rothwell) (Lab): Does the hon. Gentleman agree that plans for contraction and convergence, or indeed any other framework that the Government have in mind for tackling climate change, should be published, so that we can have a proper public debate about the framework that the UK wants to develop from Bali and become the successor to Kyoto?

Mr. Yeo: I do. The Government, and the previous Secretary of State in particular, performed a great service in the past year by promoting the debate on tradable personal carbon allowances. It would be enormously helpful if the Government could now promote a debate about contraction and convergence in the same way. There is an opportunity for Britain in particular to influence international opinion on such issues, and contraction and convergence is one of the most important areas of future discussion. Now is the time to start that debate, as we begin the post-Kyoto phase.

In my view, contraction and convergence is the only fair way eventually to share out the costs of climate change, and it will be made more achievable by successful international trading systems. I therefore hope that the measures adopted for the post-Kyoto phase will explicitly include an extension of international emissions trading. That is more likely if the EU system functions effectively in the meantime.

[Mr. Yeo]

A lot is at stake in the next phase of the EU ETS. It is a great pity that some of the opportunities to improve the present scheme were not taken, but there is still time to make further improvements. It is vital to ensure that the aviation industry enters the system in a way that increases the incentives on it to cut its greenhouse gas emissions. It is also vital that the planning for phase 3 of the EU ETS, which will not start for another six years, reflects the concerns that I have mentioned and those that are mentioned in the Committee's report.

I urge the Minister and the Government to take on board the recommendations in the report, even those that they have not yet publicly welcomed, and I commend it to the House.

2.54 pm

Colin Challen (Morley and Rothwell) (Lab): I start by apologising to the Minister and her shadow, the hon. Member for Bexhill and Battle (Gregory Barker), as I will have to leave early because of a long-standing speaking engagement in Birmingham. I still have to find the venue on the map and get there.

I thank the Committee's illustrious Chairman, the hon. Member for South Suffolk (Mr. Yeo), for leaving some things for junior members of the Committee to dwell on. There was a fear that he would cover everything so expertly that we would have nothing left to say, but I wish to cover one or two additional matters.

I support the principle of carbon emissions trading as one of a number of approaches to tackle climate change. I do not share the outright opposition to it of organisations, such as the Corner House, that gave the Committee good, powerful evidence. We must address the concerns that they raised, particularly on assessing the robustness of some so-called abatement projects. The robustness of the ETS is something that I wish to dwell on, as is what may be described as its perverse consequences, which can be serious, as we see in the latest leaked Government document on renewable energy targets.

We cannot examine the EU ETS and assess its effectiveness in isolation from other efforts to reduce greenhouse gas emissions. It is still in its infancy and, as our report demonstrates, it has suffered an abundance of teething problems, many of which stemmed from the over-allocation of permits and inflated projections of business-as-usual forecasts. Now, in the second phase, we can see that some of the problems are being addressed, with tighter caps and with the Commission having reduced many countries' national allocation plans. That shows that the Commission is learning how to act firmly and responsibly.

But are we truly in a position to justify all the faith that we invest in the single mechanism of the ETS? One reads about it as though it will be the saviour of all our souls and solve all our climate change problems. The Government are forthright in their ambitions for it. In "Global Europe: Meeting the Economic and Security Challenges", they state:

> "Emissions trading is central to the delivery of EU objectives and the EU Emissions Trading Scheme...must become a more effective mechanism for driving change. This will require a more predictable, top-down approach to setting the overall caps for emissions, in line with the EU's ambitious overall GHG targets, higher levels of auctioning of allowances, and clear long-term signals about future requirements to drive low-carbon investment and innovation. The EU should also seek links with schemes in other economies to develop a truly global carbon market, capable of turning international agreement on targets into rapid, cost-effective action."

That sounds laudable, and I support that approach so long as the policies to match it are in place. That vision is expanded upon in the document, "Moving to a global low carbon economy: implementing the Stern Review", published as part of the pre-Budget report bundle. It said that the EU ETS has

> "the potential to become the centre of an international emissions trading system encompassing many developed countries and projects from developing economies."

There is no uncertainty about where the Government want the ETS to go. It is central to their policy; as the Government say in the same report, it is

> "the focus of the Government's carbon pricing policy."

What is more, they state that it will be one way of avoiding

> "the need for more costly measures at Member State level".

That will have a hint of menace to it for someone from the renewables sector.

As we are always praying in aid the Stern review, let us remember that it stated:

> "Carbon pricing alone will not be sufficient to reduce emissions on the scale and pace required."

So far, if the ETS has worked—it has not really worked all that well—it must be measured against that assessment from Nick Stern. As our report makes it clear, there also remain considerable concerns about the credibility of Government claims about the impact that it will have on reducing carbon emissions, not least claims about the 8 megatons of CO_2 that it will allegedly save in phase 2. The section of our report headed

> "Phase II will not reduce UK CO_2 emissions by the amount stated"

says it all, and makes worrying reading.

That section prompts another question: where are the savings to be made if they are to be classed as real and substantive? One answer is through the clean development mechanism—another fledgling mechanism that has been heavily criticised for not doing what it says on the can. Billions of dollars have been invested in schemes that do not bear scrutiny. Many of the Chinese HFC-23 avoidance schemes that have soaked up those billions of dollars have been complete scams and there has been little evidence of greenhouse gas avoidance additionality. A WWF report published in June said:

> "Until credits from these projects run out they will continue to divert funds away from tackling the real challenge—the drive towards a low carbon energy system. Indeed a recent article in Nature indicated that it would cost around €100 million to install scrubbers onto the existing factories producing HFC-23 in the developing world. Yet the same factories look set to make €4.7 billion from the sale of credits into the carbon market—funds which could have been much better spent in assisting the rapidly industrialising countries develop along a lower carbon pathway, and giving access to energy to some of the world's poorest people."

I suspect that there is a long way to go before we get those inter-linked mechanisms to work properly. Indeed, non-governmental organisations such as the

Corner House believe that they are inherently incapable of being improved to the point of delivering what they are supposed to.

We should pause for a moment and recall the task that we are supposed to be addressing: achieving a safe and sustainable stabilisation of greenhouse gas concentrations in the atmosphere. The EU ETS and every other mechanism should be designed to address that objective, but we are in danger of forgetting it because we are determined to make the ETS and every other global trading system work. The objective is not to create trading systems as an end in themselves.

Every day, every individual, Government Department and carbon market trader should remember what this issue is all about. Sadly, far too many people are too busy, either burying themselves in the detail or working out how much money they can make, to realise that the climate change reality unfolding before our eyes and on our screens is rapidly overtaking us. That message was brought home even more powerfully in the global environment outlook of the United Nations environment programme report that was published today. The report might make us wonder, when we talk about finding the cheapest solutions to climate change, exactly how the people who are suffering from climate change will react. I bet that they will not all be dancing in the streets if they have followed our progress to date.

That brings me to my second area of concern: the possibility of the EU ETS having perverse impacts on other efforts that are designed to meet the challenge of climate change. My hon. Friend the Minister might not have seen the front-page headline in Tuesday's *The Guardian*, "Labour's plan to abandon renewable energy targets". Indeed, I am sure that she has not. What defamation! I hope that the Government sue *The Guardian* for libel. Are any Government more committed to renewable energy than the UK Government? I wonder what a judge would make of the case for the prosecution if it went to court. Not much.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): I must draw my hon. Friend's attention to what the Prime Minister said only yesterday, which is that the UK remains absolutely committed to the EU energy target of 20 per cent. by 2020.

Colin Challen: I am grateful to the Minister. I looked in *Hansard*, because someone drew that to my attention. We are incredibly committed to an average EU 20 per cent. renewables target.

Martin Horwood (Cheltenham) (LD): I do not want to distract hon. Members into a debate purely on this one issue, but is it true that the Government have been negotiating for a reduction of their target in that respect?

Colin Challen: I am not party to such negotiations, but I understand that there is some truth in that, and I shall return to that issue and how it is being addressed.

Joan Ruddock: May I help my hon. Friend to address that intervention? We are committed to an EU-wide energy target. The contribution of individual member states has not yet been decided, so the UK level of contribution could be set at any point.

Ann Winterton (in the Chair): Order. I think that it would be helpful to get back to the substance of the report.

Colin Challen: That is exactly where I was headed, Lady Winterton.

The Guardian story is relevant to the debate because of its comments on the EU ETS. Some of those comments were the journalist's words and some were part of a leaked report. It said:

> "One of the main objections of government to meeting the renewables target set by Mr Blair is that it will undermine the role of the European emission trading scheme."

The leaked document was quoted as stating that meeting the 20 per cent. renewables target

> "crucially undermines the scheme's credibility…and reduces the incentives to invest in other carbon technologies like nuclear power".

I saw an earlier options paper about what stance we should take in dealing with our European partners in meeting the targets of the EU spring council, and the language is the same. Sheltering behind a flimsy reference to the EU ETS, the Government want to reduce their commitment to renewables. Sadly, it seems that far from striking out to meet the EU 20 per cent. average renewables input by 2020, our objective, which was confirmed on Tuesday's "Newsnight" programme is

> "somewhere between 10 per cent. and 15 per cent."

If only the retreat stopped there. It turns out that the Government have caught the trading bug in all its glory and have been working behind the scenes to create a market in some form of renewable allowances so that we can buy our way out of doing things, just as the ETS allows us to continue to emit greenhouse gases in the UK. So, that bottom-of-the-range figure for renewables could be even lower. It seems that the Germans have not taken that proposal lightly, as trading in renewable allowances could harm their successful feed-in tariff system that encourages investment in renewables.

Gregory Barker (Bexhill and Battle) (Con): The hon. Gentleman makes some powerful points. I know that he does not agree with the Government's assertion that they need a low renewables target to make the emissions trading scheme work, but does he even understand the logic of that argument? It leaves me perplexed.

Colin Challen: There are some issues about how one would price carbon if one spent a lot of taxpayers' money on renewables, because that might reduce the price of carbon and could take the bottom out of the market. In a letter in today's *The Guardian*—a newspaper that I occasionally read—Dr. Jim Watson of the university of Sussex said:

> "The government is being disingenuous when it claims the renewable energy target agreed by Tony Blair will undermine the European emissions trading scheme. This will only happen if the caps on carbon emissions already agreed are not adjusted to take a more rapid renewables' expansion into account…Future caps on carbon emissions should also be tightened so carbon prices do not continue at their present low levels."

That throws us back to Nick Stern's comment that we cannot rely on trading schemes to produce the right price for carbon to encourage all the other measures that we have to take.

Jo Swinson (East Dunbartonshire) (LD): On the point about the Government seeking to reduce our renewables target, does the hon. Gentleman find it strange that within an overall EU target of 20 per cent., we, on the basis of the argument about the ETS, might be seeking a contribution of less than 20 per cent.? Given the UK's fabulous renewable resources potential, with our coastline and wind—as a Scot, I well know the weather resources at our disposal—surely we should aim higher than 20 per cent.?

Colin Challen: Germany anticipates achieving about 30,000 MW of wind capacity by 2011, and the wind energy industry sees that as realistic. By that time, we, too, will have made big strides forward, but we will have got to only about 7,000 MW of wind capacity. Although we will overtake Portugal in the process, we will still be behind Spain. If Germany and particularly Spain support the EU ETS and good systems for encouraging investment in renewables, I do not see why we cannot join the club. However, the original proposal to introduce legislative designs on renewables by December has been postponed, which raises the question of why. That postponement takes us beyond Bali, and the EU's position will be weakened at the United Nations framework convention talks in December by the apparent shilly-shallying on the various targets.

The Minister is right that the Government are committed to the 20 per cent. average in Europe, but while that target allows some to progress well, their progress allows us to lag well behind. We should not put all our eggs in one basket. We should have a strong renewables industry that can export and create wealth and many jobs in this country, as it has in Germany. That should also help us to improve the ETS. I am sure that many such synergies could be created, and we should not have documents floating around suggesting that people in certain Departments—not represented here—think otherwise. That is the connection that I have tried to highlight between the two issues that I have discussed this afternoon.

3.11 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): Thank you, Lady Winterton, not least for indulging me when I was temporarily absent from the proceedings. That allowed me to fulfil my democratic duty in Committee and bank the rare experience of enjoying the chairmanship of both Sir Nicholas and Lady Winterton on the same day.

I am pleased to have an opportunity to participate in a debate about this important issue. If the previous Prime Minister was right and climate change is

> "the greatest long-term challenge facing the human race",

we are discussing the main policy tool for responding to that challenge in the UK and Europe. It is the main policy tool because it covers 46 per cent. of emissions in this country and, broadly, across Europe. It is also our main policy tool in responding to the challenge set down in the Stern report of correcting the core market failure to take this thing called carbon, put a price on it and stitch it into the economics of daily life. Finally, the EU ETS is also important, as the Chairman of the Committee noted, because it is seen as something of a guinea pig and as a cornerstone for the long-term vision and ambition of creating a global carbon market. That may have profound implications for the City of London and its opportunity to profit and enhance the prosperity of this country.

The Committee, under the distinguished and experienced chairmanship of my hon. Friend the Member for South Suffolk (Mr. Yeo), has done the House a service in throwing a spotlight on the EU ETS at a pivotal time. On the one hand, the Government are articulating a vision of emissions trading and a desire to move further and faster. In a speech to the Green Alliance earlier this year, the current Prime Minister said:

> "My ambition is to build a global carbon market, founded on the EU Emissions Trading Scheme and centred in London."

On the domestic scene, the Government intend to extend emissions trading through the carbon reduction commitment to companies not covered by the current scheme. As has been said, there is also the important initiative to include aviation in the next phase of the ETS. That is the language that the Government are using.

On the other hand, however, some legitimate and valid voices are sowing seeds of doubt about how effective emissions trading has proved in achieving its core function of significantly reducing emissions. I gather from my contacts with European colleagues, not least through the parliamentary network run by the Global Legislators Organisation for a Balanced Environment, with which the Minister is very familiar, that there are different levels of commitment across Europe to emissions trading. We in this country are pioneers and we tend to be evangelical about the opportunities before us, but Germany, which has a much more ambitious and effective domestic climate change policy on renewables and energy efficiency, attaches less weight to emissions trading. Given that the ETS has no guaranteed life beyond 2012, I fear that we in this country may be too sanguine and complacent about the fragility of this important market mechanism.

The main message from the report is that the scheme needs profound reform, as the Chairman has explained more articulately than I could. As a Conservative, I firmly believe that market mechanisms will find the most cost-effective solutions, but we should be under no illusion that the market that we are discussing is artificial—a cap is set on it and it is set by politicians. The core message from the report and from all the evidence about phase 1 and, to a lesser degree, phase 2—there has been progress—is that the reduction and preferably removal of political risk from the process must be at the heart of reform. At the core of reform should be a steady process of reducing free allowances, because the decision to give away permits to pollute looks increasingly questionable, not least in the light of evidence that UK companies have passed the costs to consumers. UBS, for example, calculates that the first phase of the ETS added 1p to the cost of each kilowatt-hour of electricity, while the Government estimate that it generated windfall profits of £800 million in 2005. As we in this country—at least on the Opposition Benches—begin to articulate the need to reinforce the "polluter pays" principle through the tax system, the decision to give away permits under the scheme looks increasingly untenable.

The report majored on another area of reform, which has not so far been picked up. If it is not possible to move to the ideal scenario of 100 per cent. auctions outlined by the Chairman of the Committee, and if we must live with a process of phasing out free allowances, a consistent methodology must be applied to the giving out of allowances. That was the strongest message that I received on my visit to the Commission in Brussels earlier year to discuss the scheme. Those I spoke to fully acknowledged that the political process is the flaw and they were keen for greater consensus about the need for a consistent and transparent methodology for negotiation, for national allocations and, more importantly, for sector allocations within national allocations. The scheme's credibility would be greatly enhanced if the scope for political interference in the allocation of permits was reduced.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I have been listening closely to the hon. Gentleman's argument. Does he not agree that any global carbon market or auction must be disaggregated into sectors to avoid the situation that arose in phase 1, when the energy sector hoovered up the carbon credits and passed on the cost to other industrial sectors, which suffered a double whammy, because they had their own allocations capped and had to pay higher prices as a result of the free allocations to the energy sector? We need some sort of industrial, sectoral approach to avoid perpetuating that situation.

Mr. Hurd: I thank the hon. Gentleman for that intervention and I have a lot of sympathy with it. The issue will become particularly acute in the context of how and when aviation is included, because exactly the same pressures will be brought to bear.

The report and other analysis argue that the Government should be more proactive in arguing for greater transparency in the methodology used for the negotiation and allocation of allowances. For example, we should have the standardisation of sector allowances, which would ideally be based on the development of sector benchmarks for carbon efficiency. In addition, transparent assumptions should underpin any "business as usual" assumptions, and the report is very strong on the inadequacies and risks involved in relying on "business as usual" projections that are not transparent and consistent.

Finally, there should be a common approach to the rules for new entrants to the market; there is currently national discretion to set the rules, which, to my eyes, does not set a level playing field and runs against the grain of the single market. If there is one message that I want the report to send the Minister about the fundamental reform that is required, it is about removing the political risk from the process as we move, I hope, from a system of free allowances to pollute to one of full auctioning of allowances.

Part of the reform, as mentioned by the Committee Chairman, is the need for greater transparency and accountability for the policy. Emissions trading is hugely important, and almost completely invisible to the public. I doubt whether they talk about it much down the Dog and Duck in Congleton; they certainly do not in Ruislip-Northwood, but to some degree they should, because, in a very indirect and arguably almost stealthy way, many of the costs of the scheme are passed on to consumers, but not in a way that is visible to them.

In the context of transparency and open scrutiny, I stress one of the key points in the report, which is that Britain should take a lead in making a much clearer distinction between emission reductions achieved in the UK versus those sourced overseas. I think that many people would be surprised that the Government expect two thirds of the UK's obligations under phase 2 of the EU emissions trading scheme to be met by the purchase of credits in overseas markets. That is a very high proportion.

Leaving aside for a moment concern about the integrity of those overseas credits, the fundamental issue is to determine the right balance between developed countries, such as the UK, getting their own house in order, and the preservation of our freedom to pursue lower-cost emissions around the world. Arguments based on equity are also finely balanced between the need to channel capital towards the developing world and the unfairness of our picking all the low-hanging fruit. The issue should be out in the open. The thrust of the report was that the matter is too opaque. Someone needs to take the lead on it in Europe, and it should be a Government who pride themselves on taking a lead on climate change across the piece.

I leave a final thought with the Minister. There is concern about the commitment of the new Administration to the climate change agenda. Few people doubted the integrity of the previous Prime Minister in his commitment to the cause, although there was plenty of room for criticism of the delivery. However, there are genuine concerns about the attitude of the new Prime Minister, and they are partly influenced by perceptions of the Treasury's ambivalence about the agenda under his stewardship. As we have already discussed, worrying signals that have been given about commitment to the renewable energy target, and recent announcements about going back on waste taxes, are creating concern that the new Administration are not as committed to the agenda as the previous one, at a time that is, as the Minister will I am sure agree, critical with respect to the need not only to stabilise emissions—which we have failed to do—but to reduce them significantly. Therefore I see emissions trading and the attitude towards really pragmatic and fundamental reform of the scheme in the critical phase 3 as a test of the Government's commitment.

3.23 pm

Mr. Martin Caton (Gower) (Lab): Thank you, Lady Winterton, for giving me the opportunity to contribute to the debate. Not surprisingly, as those present are all members of the Committee that produced the report, I tend to agree with the statements of previous speakers, but in contrast to the hon. Member for Ruislip-Northwood (Mr. Hurd) and as a democratic socialist, I am not instinctively attracted to the idea of meeting the greatest challenge that our planet faces, climate change, by creating a new marketplace.

I thus surprise myself a little in supporting the EU emissions trading scheme and in arguing that, as our Chairman, the hon. Member for South Suffolk (Mr. Yeo) has said, the market needs to be made freer, with the introduction of 100 per cent. auctioning of allowances in as many sectors as possible. I say that I surprised myself, but I suspect that I did not surprise myself quite as much as the representatives of industry who gave evidence to the Committee last week, in our current inquiry into the climate change levy, surprised themselves when they found themselves arguing for higher environmental taxes rather than emissions trading.

[Mr. Martin Caton]

The EU emissions trading scheme seems to me to be the best mechanism that we have yet come up with for putting a price on carbon. Of course, putting a price on carbon was one of the policy tools advocated in the Stern report, as other hon. Members have mentioned. I support the trading scheme as a cornerstone of the policy framework for tackling climate change, as the Government have put it. As we force up the price of carbon, there will, I believe, be an increasing impact on emissions of CO_2 and other greenhouse gases. However, we need that cornerstone to complement other policy elements that Stern advocated: technology policy to overcome market failures associated with the research, development and deployment of low-carbon technologies, and measures to encourage behavioural change.

With respect to those other policy elements, I believe that the messages coming from the Government are somewhat disturbing at the moment. I am concerned in particular that we now appear to be limiting our ambitions for the UK contribution to the EU renewable energy target, as has already been mentioned. I am equally worried at apparent moves in the Department for Communities and Local Government to reduce the capacity of local authorities to use local planning policies to increase the contribution of on-site renewables and drive up energy efficiency standards. Those are matters to which our Committee will have to turn its attention in the near future. That is not the main focus of the debate, but as we said in the report, as the Committee Chairman repeated and as the Government agreed in their response, we need to supplement the market mechanism with other measures to deliver the outcomes that we all want.

Reading back over our report some months after its completion, I am surprised how gentle we have been in our assessment of phase 1 of the scheme. Okay, a complex system was set up over a fairly short time scale, with adequate administration, but we could find precious few witnesses or submissions that showed evidence of an actual reduction in carbon emissions as a result of that phase of the scheme. The allocation of allowances to emit carbon was far too generous, resulting in a price that was far too low to have an impact. In fairness to our Government, the UK was an exception. The evidence is that member states deliberately submitted plans that they knew would have little or no effect on the industries involved, within their borders. That was surely irresponsible, given that Stern's main message was about the urgent need for action. Time has been wasted. Phase 1 could and should have brought about real and significant carbon savings, and despite what the Government say, I do not see that it has.

My worries about the cynical approach adopted by too many of our fellow member states are heightened by the national allocation plan submissions for phase 2. Again, instead of meeting the challenge and accepting the necessity of sacrifice, countries tried to minimise the impact of the scheme on their businesses. There were honourable exceptions, including the UK, and the Government are to be congratulated on putting forward an allocation plan that will have a positive impact.

The other institution that comes out of the preparations for phase 2 with head held high is, of course, the European Commission. If it had not been prepared to stand firm and reject so many allocation plan submissions, the over-allocation of phase 1 could have been repeated, as the Environment Agency predicted in evidence to us from its knowledge of the proposed national plans at the relevant stage. If that had happened, not only would we have failed to drive down carbon emissions between 2008 and 2012, but it could have been a death sentence for the scheme, as people recognised its failure.

The Committee went to Brussels and met various officials who were involved in administering and developing the scheme. I, for one, was very impressed by how seriously those individuals took global warming, how determined they were to make the emissions trading scheme work and how frank they were about the obstacles that they faced in making it work. At this stage, as we say in the report, we cannot know for certain that phase 2 will deliver what we hope and expect, but it has at least a fighting chance, thanks to more realistic national allocation plans.

In my opinion, the clear lesson from cap setting for phases 1 and 2 is that we should move as fast as possible away from the system by which member states propose their own national allocation plans to a system with an EU-wide cap based on clear carbon reduction targets that is transparent in operation and in which national and sectoral allocations are harmonised.

As the report says, the Government are to be congratulated for leading the way on auctioning in phase 2 and for pressing for more in phase 3. I was disappointed, however, that because they oppose hypothecation, they rejected out of hand our suggestion for using auction revenue to help speed up the development and take-up of new carbon technologies. I hope that they will rethink, because we will need to demonstrate in future that income generated by green policies, including green taxes, is used for good green ends. Like the rest of the Committee, I support bringing aviation into the ETS, but the impact of that will depend on the tightness of the cap on aviation emissions. We must also look to the future involvement of the maritime sector.

I shall not refer to the Committee's recommendations on how to improve the reporting of Government statistics, because that has been dealt with very well by the Committee Chairman and by the hon. Member for Ruislip-Northwood, and I support what they have said. The Committee raised another perhaps related issue that was mentioned earlier by my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz): the need for the UK and, indeed, other EU member states not to rely heavily on purchasing carbon credits to secure emissions cuts in other parts of the world. To quote an old green motto, we need to "think globally, but act locally".

I applaud the Government's intention that the EU emissions trading scheme should evolve and emerge with other schemes, so that a global scheme is established. Like the Committee Chairman and the hon. Member for Morley and Rothwell (Colin Challen), however, I believe that if there is to be any chance of reaching an effective, one-planet approach to the threat of climate change, we need to move as fast as possible to something along the lines of the contraction and convergence model and to gain support for that from around the world. Under that model, emission budgets should be allocated to every nation and progressively amended until rich and poor countries—developed and developing countries—arrive at an equal per capita budget based on an agreed stabilisation level. In developing the ETS, we need to ensure that it facilitates, rather than impedes, progress to such an approach.

3.31 pm

Martin Horwood (Cheltenham) (LD): I welcome the opportunity to serve under your chairmanship, Lady Winterton, and to contribute to a debate among so many distinguished members of the Environmental Audit Committee. I am a new member of the Committee and I was not involved in the preparation of the report, so I embark on my speech as a Front-Bench spokesman with some hesitation and in the knowledge, which I have acquired from my first few meetings on the Committee, that some great experts on the subject are present.

I agree with a great deal of what has been said, and the context in which the Committee Chairman put the debate is absolutely right. The overall picture on global warming and that for this country is serious. Under this Government, carbon emissions have regrettably increased rather than decreased, and the trend in emissions of both carbon dioxide and the basket of Kyoto greenhouse gases now seems to be a gently upward one. There is a risk that we are becoming complacent. Some Government Ministers—I do not include the Minister in this—have been tempted to repeat the claim that we are on course to meet the Kyoto targets. That might be technically true, given that the dash for gas drastically reduced this country's carbon emissions many years ago, but the actual current trend is now in the opposite direction, and much more drastic action is needed than is contemplated at present.

The European emissions trading scheme was designed to fulfil the EU's Kyoto target of an 8 per cent. cut in emissions against 1990 levels by 2012. The Committee Chairman was right to point out that that has set a significant precedent for the whole world by way of an international policy mechanism that really tries to tackle climate change. It has set a particularly important precedent for the United States. I am pleased, therefore, that, although the EU position has not been comprehensively picked up by the United States Government, it has been picked up by many states and cities in the US. That is leading to clear pressure for a national trading scheme in the US as well. Logically, the schemes would link up in the end. It is good to think that the much maligned European Union has been responsible for that global step against the threat of climate change.

It has been common ground among those who have spoken so far that we must be realistic about phase 1. The hon. Member for Gower (Mr. Caton) rightly said that time had been wasted, that on balance the scheme had not cut carbon emissions, and that it had not established—the Committee Chairman said the same—a sustainable carbon price that can exercise real pressure to reduce carbon emissions at the commercial or economic level. We must therefore focus on phase 2, under which national caps will be lower. We hope that that will mean more scarcity and a higher price for carbon, so that there is more such pressure.

However, there are flaws in that approach too, as the Committee Chairman also rightly pointed out, because there is still a limit on auctions. He is entirely in agreement with Liberal Democrat policy in that respect, which is to aim for 100 per cent. auctioning, so that the market can exercise the most efficient pressure on emissions of carbon dioxide, and possibly other greenhouse gases, if they can be included.

Revenue from auctions should be ring fenced and should be used to reduce taxes or invest in low-carbon technologies. There have been other suggestions for the future of the ETS, including expansion to the aviation and maritime sectors. Road transport should be covered too. As the Chairman said, there is a lot more scope to go further and faster in the use of market instruments.

There has been some speculation on the philosophical basis for such ideas from the democratic socialist and democratic conservative points of view. As a democratic liberal, I am enthusiastic about the use of free markets; they are welcome tools and are generally more efficient than Government in driving carbon reduction in the economy. However, they can have pernicious and unintended consequences, and they must be combined with other policies in order to ensure good outcomes. Trading schemes are a necessary but not sufficient part of policy.

The hon. Member for Ruislip-Northwood (Mr. Hurd) described trading schemes as the main policy tool of the Government, but seemed wrongly to cast doubt on the principles behind them, saying that the market is artificial. I do not agree. The Stern report pointed out that the cost of carbon emissions might be a deferred one, but is real. Emissions trading schemes and pricing of carbon in general are trying to reflect in current policy and in current financial and economic calculations a price for carbon for the cost that will impinge on us all if we do not act soon.

The hon. Member for Morley and Rothwell (Colin Challen) put things more poetically. He rightly said that trading schemes should not be seen as the saviour of us all, and he was right to alert us to the weaknesses. He said that clear, long-term signals were needed rather than just targets and mechanisms. That is absolutely right too. Support for and strengthening of the ETS need to be combined with real, practical policies to achieve reduction.

The contrast is with programmes such as the low-carbon buildings programme, which might be the best or worst example, depending on one's point of view. That programme is important, because households are responsible for 27 per cent. of this country's emissions. Unfortunately, the kind of "stop-start", and then "suspend", approach that has been adopted in that case has completely undermined the local markets for renewable energy and energy efficiency products. I am sure that many hon. Members have had experience of suppliers of such products in our constituencies who have become utterly frustrated with the low-carbon buildings programme and its predecessors. They have provided, not clear, long-term signals, but confused, short-term ones. I hope that the Government are trying to address that at the moment.

I have some suggestions for clear, long-term signals, which all have the virtue of being Liberal Democrat policies, so I am on safe ground. They are designed to create a policy context in which the overall targets and mechanisms are not the only elements, but in which real, practical steps are being taken. One policy has to be that of the international context. Other speakers

[Martin Horwood]

have mentioned the importance of a post-Kyoto agreement, which is particularly significant in the context of competitiveness. If we impose a pressure on our economies to reduce carbon emissions such that there is financial cost, industries such as the aluminium industry that can relocate—the point has been discussed in this Chamber before—might be forced to move to economies in which carbon emissions do not bear the same costs. We may, in effect, drive industry from a carbon reduction regime to one without those reduction pressures, and make the situation worse by not addressing competitiveness. It is crucial that the next Kyoto phase includes economies such as the USA and Australia, so let us hope that there is progress in that direction. We may have to decide what sanctions to apply to economies that do not play ball in the international framework phases after Kyoto.

Gregory Barker: What sanctions does the hon. Gentleman have in mind?

Martin Horwood: The hon. Gentleman might want to look at the Stern report, which suggests a carbon border tax, although that is not my preferred solution. We need a debate on what sanctions might be possible, and we must talk realistically about what sanctions could be applied to other economies and how to add some cost to non-participation in international schemes.

A second long-term signal might be on particular sectors.

Colin Challen: China has taken on a lot of carbon emissions after taking our heavy manufacturing industries. Should we continue to bear the cost of China's emissions or should that be the producer's responsibility? A Bill before Congress suggests that a charge of anything up to 15 per cent. should be placed on imports that have not been accounted for within the emissions trading scheme or another approach in the producing country.

Martin Horwood: The hon. Gentleman makes an important point. China comes in for a great deal of criticism during some debates on climate change, but many of its emissions have resulted from us exporting our industry to China, which manufactures goods, not for the Chinese population, but for western markets. Any equitable international framework must take account of that. The price of carbon should take account of the origins of the companies that are responsible for carbon emissions. In the British context, we must look at the limits or burdens that should be imposed on British companies that are manufacturing goods and emitting carbon overseas. The hon. Gentleman raises an important point.

Jo Swinson: Does my hon. Friend agree that the whole concept of emissions trading and having a price for carbon is to deal with the anomaly in the system that whether goods are produced in Britain or China, the ultimate consumer does not pay the full cost to the planet or of producing the goods? If charges are applied, the cost should be on the consumer. Anything that creates more of an environmental problem should cost more. That is how the market should work, but we are not yet there with international emissions trading markets.

Martin Horwood: My hon. Friend has thought a lot about the matter and she is of course right. The beauty of a simple market mechanism is that it applies a price to carbon as universally as possible across the whole economy, and preferably across the whole global economy, so that the approach is equitable.

I shall focus on other long-term signals that we could give in particular markets. One might involve car manufacture. If we set a target at European level that all car manufacturers producing new cars should produce zero-carbon vehicles by 2040, that would be an important long-term signal. At the moment, we have much shorter-term and more modest targets, but that would be realistic and set a clear framework for manufacturers in a particular sector that is responsible for a great deal of carbon emissions to move strongly towards producing zero-carbon products within a specific time.

We could tax road freight, hopefully on an equitable basis so that British road hauliers are not disadvantaged relative to foreign road hauliers, which I know is an issue. That would drive freight from the roads on to rail whenever possible, which, tonne for tonne, produces 90 per cent. fewer emissions.

We could aim for much more ambitious targets on renewable energy. The Liberal Democrats have suggested that by 2050 we should be aiming for 100 per cent. clean energy. That might not be entirely from renewables and could incorporate carbon capture and storage so that fossil fuel sectors in the energy industry would be incentivised to reduce their carbon emissions to zero.

There are targets in the draft climate change Bill. As the Committee Chairman said, they do not seem to chime with the ambitions of policy frameworks such as the emissions trading scheme. At the moment, the target in the draft Bill is a reduction of only 60 per cent. by 2050, which seems ludicrously unambitious. The Committee Chairman suggested that a target of 90 per cent. by an earlier date would be more acceptable. My suggestion is that we should be even more ambitious and set ourselves a target of zero net emissions by 2050, which would be a very clear, long-term policy signal.

We could not reduce absolutely all greenhouse gas emissions to zero in this country, so there would have to be an element of trading and offsetting within the policy framework, but that is the sort of context in which we should see trading and offsetting schemes. They should be part of the solution, not the whole solution. In championing the European emissions trading scheme, the European Union has taken an important first step. We recognise the realistic shortcomings of the scheme, but it is an important contribution to the battle against climate change.

3.46 pm

Gregory Barker (Bexhill and Battle) (Con): This has been an excellent debate, even if it has not run its full allotted time. The quality of the contributions could not have been bettered. I was particularly impressed by the opening comments of the Committee Chairman, my hon. Friend the Member for South Suffolk (Mr. Yeo), who skilfully outlined the detailed and lengthy report, which I thoroughly commend. It is very much in line with progressive thinking in the Conservative party as we move towards creating our manifesto for the next election. The Committee Chairman rightly reminded us that science tells us that the problem is getting worse faster than we appreciated even quite recently, and matched that by quoting the Stern report, which said that action now costs far less than action later. That theme has run through this debate.

The hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) made a worthwhile contribution, and the hon. Member for Morley and Rothwell (Colin Challen) rightly picked up another theme of the debate. He is not present now, unfortunately, but he said that the emissions trading scheme must be improved, and that it is not the saviour of all our souls, nor is it an end in itself. I shall return to that point.

My hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) rightly focused on the need profoundly to reform the emissions trading scheme, and drilled down to remind us that we must remove political risk and move towards full auctioning if we are to obtain maximum value from the scheme.

The hon. Member for Gower (Mr. Caton) reiterated that the ETS must be seen as a complement to other policy drivers, and not just as part of a game of one-club golf—that is my metaphor, not his. Although he is a self-avowed democratic socialist, which is not something we hear a lot of around here, he made some sensible suggestions.

The hon. Member for Cheltenham (Martin Horwood) produced his own thoughtful list of recommendations, some of which were sensible and some rather more challenging. I look forward to fleshing out the details of those ideas during the passage of the climate change Bill. However, I caution him that although his lofty ambition for a zero-carbon Britain in 2050 makes a great soundbite, if we as politicians come up with ideas that are so incredible and so beyond what people think is possible, there is a danger that they will not take us seriously or believe that those ideas can be achieved, so will not try. It is important to find the right balance, and we can be far more ambitious and stretching than the Government's inadequate approach, but we must calibrate that ambition so that we do not get so far ahead of the debate and people's expectations that we begin to lose the plot.

Martin Horwood: The hon. Gentleman criticised the idea of a zero carbon Britain by 2020 by saying that it is too ambitious a goal, but it is not far removed from the suggestion of a 90 per cent. reduction by an earlier date made by the hon. Member for South Suffolk (Mr. Yeo). What date and what percentage would the hon. Gentleman suggest on behalf of the Conservative party?

Gregory Barker: I am not going to come out on that matter—I do not have an exact date or number in mind. I was simply making the point that we must be careful—all of us, not only the hon. Gentleman—when calibrating our expectations and the terms of our arguments. If we do that, we can stretch our ambition to cover the furthest possibilities but remain credible, which is an art not a science. I do not wish to stray too far from my point, but my argument is that there is no correct number and no wrong number.

Jo Swinson: I take issue with the hon. Gentleman's argument that we should not be ambitious. He said that our ambitions ought to stretch only as far as they are credible. The Environmental Audit Committee this week heard how industry is saying that it cannot go further on carbon emissions, but it also said that when the climate change levy was introduced. Technology moves forward and we must be ambitious—if we confine our ambitions by thinking only of existing technology, we will sell ourselves short and fail to recognise the true challenge.

Gregory Barker: If the hon. Lady listens to more of my speech, she will realise that I am nothing if not ambitious. My single greatest criticism of the Government concerns their lack of ambition, aspiration, and energy in creating policies to drive the agenda forward. I simply offer the warning that our ambitions must be credible.

To return to the crux of the debate, my hon. Friend the Member for South Suffolk was right to say that the debate is topical this week. Last Friday, the oil price per barrel hit a record $90. We learned this week that seven of Britain's 16 nuclear power stations are out of operation, which will be music to the ears of the Minister if not her colleagues. On Monday, the Government performed a staggering U-turn on the EU renewable energy commitment of 20 per cent. by 2020, thereby letting it be known that they want the rest of Europe to take the strain. The Government said that the UK would manage only 15 per cent. or perhaps closer to 10 per cent.

Joan Ruddock: I must remind the hon. Gentleman that he is talking about an EU-wide energy target. The Government are signed up and committed to it, but the allocation of the burden to be carried, and contribution to be made, by each country is yet to be decided.

Gregory Barker: I shall return to that point, but I do not think that people will give any credit to the Government for saying that the UK will be at the bottom of the table when it comes to the allocation of renewable technologies targets. The Minister's colleagues are on record saying that their target will be between 10 and 15 per cent.

Joan Ruddock: The hon. Gentleman must acknowledge that the UK has been at the bottom of the table for renewables for a long period, including the time for which his party were in Government. We are now making enormous progress on renewables. Our target is to treble the contribution of renewable sources to electricity by 2015. We are in a different situation from that of other European nations, and it is appropriate that the member states and the Commission agree on the contribution that each member state should make.

Gregory Barker: The Minister is candid on renewables and she is absolutely right—we have been at the bottom of the league tables for the whole period of the Labour Government despite their rhetoric on climate change. She will accept that, internationally, the climate change imperative has held sway over politics for only 10 or 15 years. It is 20 years since Margaret

[Gregory Barker]

Thatcher first kicked the whole issue off, but only in the past decade has it assumed absolute importance as a driver of public policy.

If we look at what Germany has been able to achieve with its feed-in tariffs—they are based on a different policy model that the Conservatives are pledging to introduce along similar lines—we will see that they are the kind of policy drivers that we need. The UK has performed miserably in the past 10 years under this Government, and we cannot afford to continue with the status quo or to adopt a "business as usual" position. The ETS alone will not provide the required solutions, and the Minister cannot be satisfied with the unambitious target of 10 or 15 per cent. We are supposed to be a leader in Europe; after all, we have one of the largest economies in the region. Will Latvia or Estonia or eastern European fringe countries make up the difference? It would be an abrogation of responsibility and, more importantly, a loss of economic opportunity if we allowed the Government to get their way on the issue.

Martin Horwood: I shall resist the temptation to quote to the hon. Gentleman the Liberals' environmental policies going back to the 1970s and 1980s when the Conservatives thought that carbon reduction meant closing coal mines.

On the renewables target, I recall the former Prime Minister, Mr. Blair, expressly stating—he described it as an aspiration—that he wanted 20 per cent. of electricity to be produced by renewables by 2020. Perhaps the hon. Gentleman recalls the same.

Gregory Barker: I am not an expert on Tony Blair, but I recall him saying that.

Everyone in the House is amazed by the Government's U-turn and the downgrading of their environmental commitment. Sadly, it does not seem to be out of character with the way in which the Prime Minister is proceeding on environmental matters. The U-turn is all of a piece, as the hon. Gentleman outlined in his own remarks on the watering down of the Merton rule and the disgraceful treatment of the low-carbon building programme. It will be interesting to hear what the Minister has to say about the fact that the Government have put all their eggs, as it were, in the nuclear basket.

Across the piece, there is little ground for hope that the Prime Minister will take climate change seriously. Whatever Tony Blair's domestic failures, we never doubted his personal commitment to the climate change issue or that he argued forcefully about it on the international stage. Unfortunately, the Prime Minister is not prepared to do so much as that, which is sad for all of us.

We learned about the Government U-turn on the EU renewables target. In addition, some of us read a peer-reviewed article this week that states that atmospheric CO_2 levels have grown 35 per cent. faster than expected since 2000 as the effectiveness of existing natural carbon sinks degrades. The effectiveness of the EU emissions trading scheme, both as a carbon reduction tool and as an incentive mechanism for technology development, is more vital than ever.

I commend the Environmental Audit Committee on its excellent work and the Conservatives recognise that the ETS is an invaluable tool. It is an excellent way in which to marshal the power of the markets for the public good. I acknowledge that phase 1 has been a failure—too many credits were handed out for free, which effectively gave industry a licence to pollute. My hon. Friend the Member for Ruislip-Northwood said that as a result of that mistake, UK utilities have made around £800 million in windfall profits. Ultimately, that was a political rather than a market failure.

Phase 2 looks stronger, and I give credit to the Government for their part in it. It happened under Tony Blair's premiership, but the Government nevertheless argued for more robust allocations.

Mr. Bailey: Does the hon. Gentleman agree that to pursue that robust stance in phase 2 in the EU, Britain had to take a leading role and be accepted as a leading player in the EU? Will he comment on his party's position in prosecuting that role and policy?

Gregory Barker: The hon. Gentleman is right. The environment is one of the key core functions and areas of expertise of the EU. It is a classic example of where the EU can act in a way that no nation on its own can act and where we are all much better by recognising the communality of our interest. That only makes me more frustrated when the EU gets involved in all sorts of areas where it has no writ and its competencies are clearly unwarranted, but that is an argument for another day.

The second phase has resulted in greater market confidence, which is already reflected in forward carbon pricing of more than €20, but we must do better in the third phase. I will not go into detail, but the Conservative party quality of life commission under Zac Goldsmith and my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) reported very similar findings to the EAC report as to how we can do better in the third phase. The latter rightly concluded that the Government must be clearer about why phase 1 of the ETS was not a success.

To have public confidence in the ETS going forward, there must be transparency. Are declared reductions for absolute or for "business as usual" targets? Are declared reductions for CO_2 or other greenhouse gases? Are declared reductions happening in the UK or abroad? It should not take a parliamentary Committee report to extract clarity from the Department for Environment, Food and Rural Affairs about how it calculates its emissions reductions. What chance do the ordinary public have to understand the complexities of the ETS targets if it takes the Government this amount of time and this number of attempts to explain their processes to us?

From speaking to interested members of the public, I know that one of the most important questions on which clarity is needed to ensure public trust in the ETS is whether the scheme is causing emissions reductions within the EU or merely allowing us to pay other countries to do our cleaning up for us. The Government have announced that phase 2 will result in a reduction of 8 million tonnes of carbon, they hope, from Britain's "business as usual" projections, but 5.3 million tonnes, or two thirds, of that UK carbon reduction will take place not only outside the UK but outside the EU—in the developing world, where it is cheaper per tonne of carbon to make the reduction.

The EAC was correct to recommend—and I am glad that DEFRA accepted the recommendation—that all future communication of these emissions reductions should clarify what proportion of the reductions takes place in the UK and what proportion is simply funded by the UK, but takes place elsewhere in the world.

I fully accept the reality that one tonne of carbon saved in China is atmospherically exactly the same as one tonne saved in Britain, and I recognise the virtue in the fact that a properly functioning market will provide reductions at the cheapest price available, wherever the reduction may be found. However, I believe that it is important that we ask ourselves what the long-term implications are of Britain buying its way out of the majority of its emissions. The ETS is not just an international offsetting tool. It is designed to encourage behavioural change in Europe and to incentivise technology development in our own economy. The ETS was not designed merely to act as a conduit for us to pay others to change while we continue in our old ways with an unreconstructed hydrocarbon-dependent economic model.

This week, the Government announced that they were lowering their sights in relation to their own renewable technology targets. They are even going below the average in Europe—no surprises there. What I did find extraordinary—this was referred to in the debate—was that the leaked paper from the Department for Business, Enterprise and Regulatory Reform stated that the Government's concern was that increasing Britain's renewable energy capacity would

"undermine the credibility of the EU ETS and reduce the incentives to invest in other"

low

"carbon technologies like nuclear power".

Does the Minister believe that it is right to lower our renewables target in Europe because it is likely to undermine the incentives to invest in low-carbon technologies, and that nuclear power is one of the low-carbon technologies that should be the beneficiary of such an exercise? The Government, if that paper is to be believed, believe that if we increase our renewable energy production, that will undermine the carbon market. Does the Minister believe that the ETS would be undermined by more renewable technology? In effect, that is what this boils down to.

Further to that, why are the Government keen to secure the future of nuclear power as part of that mix? Is it, as the comments in the Department for Business, Enterprise and Regulatory Reform document seem to imply, on the basis of special favours? We can only deduce from the Government's fuzzy logic that they are willing to forego Britain's place at the forefront of a global green energy revolution in order to keep the carbon market secure so that they can continue to buy Britain's way out of its carbon budgets for the indefinite future. Achieving two thirds of our national carbon reduction by 2012 by buying offsets abroad, as the Government are currently doing, will not lead to behavioural change, nor incentivise British business. It will not deliver the change that Britain needs; it will leave Britain lagging behind on competitiveness.

The leaked document also acknowledged that reducing emissions through renewable energy sources was "expensive" and came with "severe practical difficulties". Getting to 9 per cent. from our current 2 per cent. by 2020 would cost £4 billion, according to the leaked report. In other words, the Government would rather pay others to bring down our emissions for us—they would rather the taxpayer continues to buy our way out of the problem—while our economy continues to grow with dirty infrastructure and ever-increasing emissions.

As the carbon price rises and our domestic reductions do not keep pace with our economic growth, the offsetting policy implicit in the ETS will become increasingly expensive. Sadly, there could be few better examples of the new Prime Minister's outdated thinking on climate change than those latest revelations. To follow that route will make Britain a hostage to fortune, as we lock in the infrastructure of our old ways and our old hydrocarbon fix for the next generation, while the costs of offsetting those ways will become increasingly expensive in the carbon markets, however efficiently the ETS works—all that while we fall behind in competitiveness at home.

The Conservative party wants Britain to lead with dynamic industrial change, to lead the global economy and to face up to the changes that we need to make, not to subcontract this economic opportunity to competing economies in the developing world.

When defending the Government's renewables target U-turn on "Newsnight" on Tuesday, the Minister for Energy said that, at the end of the day, renewables was a means to an end and that the end was bringing down carbon emissions. That is where the Minister and the Government have got it wrong—it is where the Prime Minister has got it wrong. Renewables are not only about bringing down carbon emissions; they also constitute a huge opportunity. That is about using this challenge as an opportunity to reskill our economy and to gain first-mover advantage in what will probably be the fastest-growing market of the 21st century. It is about making Britain a leader in the new energy economy as we led in the old energy economy in the North sea in the second half of the 20th century. We will not achieve that by buying our reductions at the cheapest price that we can find in the developing world year after year. That is not leadership—it is just bottling out.

The EAC report is very well informed and argued. I hope that the Government will read it carefully. They have shown themselves to be adept at adopting other people's ideas in a relatively short time. I hope that although this may not be as eye catching and headline grabbing as other ideas that they have purloined, they will nevertheless give it the consideration that it is due and undertake a sensible policy review as a result.

4.9 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): I congratulate the hon. Member for South Suffolk (Mr. Yeo) on his presentation and all the Committee members on an extremely useful report. It is a welcome contribution to the development of emissions trading policy. As he and many others have acknowledged, the Government regard the EU emissions trading scheme as the cornerstone of our framework to tackle climate change. The Environmental Audit Committee asks some important questions in its report.

The need for market scarcity is an important lesson of the report. We can achieve cost-effective emission reductions only with a suitable carbon price—I think

[Joan Ruddock]

that we are all agreed on that. I share the Committee's view that the European Commission's decisions on member state phase 2 caps are very encouraging. They show a clear determination to deliver a carbon price that will increase confidence in the scheme.

A key aspect of pricing carbon within the economy is ensuring that business takes into account the full price of carbon when making investment decisions. That is why we are pushing for increased levels of auctioning in future phases. As a number of hon. Members have mentioned, the EAC recommends 100 per cent. auctioning in the long term. The Government consider auctioning very important, which is why we are pressing for a review of the scheme. We would like to see a minimum level of auctioning, not a maximum as at present, in the directive from phase 3. The hon. Members for South Suffolk and for Ruislip-Northwood (Mr. Hurd) raised questions about that, and I want to make it absolutely clear that we agree with their sentiments, are pressing for that and hope to achieve it. We also want member states to be able to set higher limits for auctioning than whatever floor the Commission might set. It is important, not least for capturing the windfall profits resulting from free allowances.

However, I am sorry to tell the hon. Members who raised the issue, including my hon. Friend the Member for Gower (Mr. Caton) and the hon. Member for Cheltenham (Martin Horwood), that we cannot agree about the Government's hypothecating the moneys raised through such auctioning. Hypothecation does not guarantee value for money, it can be distortionary and is not general Government practice, although hon. Members will know that we have accepted in our taxation system that in general, we should incentivise and reward the goods in our society and tax, penalise or disincentivise the bads. That is a fundamental underlying principle.

Martin Horwood: I understand why the Government have reservations about hypothecation and would not want it to become a more general principle in Government policy, but does the Minister acknowledge that there is a public confidence issue about green taxes that I am afraid might have been exacerbated by the Prime Minister in his previous role as Chancellor of the Exchequer? There is a perception that green taxes are just about lining the Exchequer's pockets. For green taxes in particular, we must perhaps advance the case of hypothecation more.

Joan Ruddock: I understand entirely, but the fact is that it is a trading mechanism. The public would find it quite difficult to understand, and they are not sufficiently involved in it.

Martin Horwood: What about business?

Joan Ruddock: Business is certainly involved, but business understands the principles perfectly well. Businesses that use auction systems would understand that the revenues from auctioning would return in general taxation to the Government. That is absolutely the norm as far as business is concerned. I do not think that the hon. Gentleman makes his case well. I agree that we need to work much more on public communication and explain when we levy certain taxes or charges that they are specifically designed to change behaviour. I think that he would agree that that is an important principle in bringing about environmental change, and I agree with his general concerns.

Mr. Hurd: I am grateful to the Minister for giving way, and I welcome high levels of auctioning as well as minimum levels, but I must press her on the use of proceeds from auction. There is no disguising the fact that that will be an additional cost on British and European business. Is it the Government's policy to be sanguine about that, or is there a commitment that any further levels of auctioning will be cost-neutral for British business in the round?

Joan Ruddock: Any further discussion will have to be left to my colleagues, particularly my hon. Friend the Minister for the Environment. I apologise for the fact that he could not be here; hon. Members will appreciate that he is in Bali for preparations. The process also involves Ministers from the Department for Business, Enterprise and Regulatory Reform. They will hear this debate and will want to consider the points made.

I recognise the concerns raised in the report about the competitiveness implications for industry; the hon. Gentleman is one of the hon. Members who raised the issue. The UK is keen to work with other member states and the Commission to develop a more harmonised approach to the scheme. The EAC report recommends that to protect UK competitiveness and prevent carbon leakage, Government should develop trade agreements. We feel that the way forward is to create incentives by opening up trade in new technologies and developing an international carbon market.

The EU ETS needs to provide business with flexibility to make reductions where they are most cost-effective. That might mean that a proportion of emission reductions delivered by the UK cap will not occur within the UK. They might occur within the EU or outside it through the clean development mechanism. A number of hon. Members have mentioned that. I stress that such reductions are made and paid for by the UK economy, even though they occur in other countries. The problem that we face is global, and it is appropriate to contribute to bringing low-carbon technologies to other countries. We are counting such reductions in a transparent and open way.

The Committee highlighted the need for greater transparency in a number of recommendations. The Government agree that it is important to the scheme's success that the market operates transparently and that we learn the lessons of phase 1, especially the need for market scarcity in phase 2 and beyond. Consequently, we have pressed hard for tight caps in phase 2 and are supporting the Commission in delivering them. Hon. Members will know that some other member states are contesting it, but we are supporting the Commission in that matter.

Our main aim for the review of the scheme is achieving the market scarcity necessary to reduce emissions. Similarly, we see the need for transparency in reporting. The climate change Bill will be key to achieving that, as enhanced transparency will be provided by annual reporting from both a Select Committee on climate change and Government.

The EAC report is critical of how Government have presented our emissions figures. I acknowledge that if the Government are to count overseas savings towards domestic targets, we must be clear and open about the number of savings purchased. We have endeavoured to do that in Government reporting. For example, our annual report to Parliament in July this year presented emission figures in a way that showed the number of allowances brought in from the EU ETS. A number of hon. Members have raised that issue. I refer to our response to recommendation 24, on page 31 of the Government response, which shows clearly that we produce data on both UK CO_2 reductions and total reductions funded by the UK here and abroad. The EAC recently stated that the value of carbon credits is only as real as the trading scheme that issues them is effective.

Questions were asked about the value of phase 1 and the suggestion that UK industry is merely buying hot air. Those are valid concerns. Indeed, they are the primary reason why we pushed for market scarcity in phase 2. However, it is difficult for the Government to make a judgment about the real value of any allowance. It is not the Government's place to say whether the market price is right. It could also lead to a limited incentive to use tight caps if member states cannot count emissions reductions from the EU ETS towards their national targets.

The way forward is for the EU ETS to open up the whole carbon market. That can be done by expanding the scheme to new sectors and gases, and through linking the scheme to other trading schemes around the world. That could lead to greater investment in low carbon technology in developing countries, and it could deliver reductions at the least cost. Linking the EU ETS to other trading schemes will encourage countries to work together, which we should all consider to be essential. Only by working together can we fight global climate change.

I shall now address some of the specific points raised during the debate. The hon. Member for South Suffolk spoke about including aviation emissions in the EU ETS, and auctioning them in a way that would not give the airlines the opportunity to make windfall profits. We agree that if aviation enters the scheme, there would have to be a greater use of auctioning. The hon. Gentleman will know that the UK has pressed repeatedly for aviation emissions to be included in the EU ETS. At the moment, if airlines pass through the costs of allowances and make windfall profits, the Government need to assess the evidence on what the costs would be in order to influence the debate on auctioning the limits. We are saying that there would have to be auctioning, but the extent of the auctioning in relation to aviation would clearly need to be determined by further research.

The hon. Gentleman also asked about "business as usual" projections, and whether we should use absolute figures. The Government agree that there are uncertainties in using such projections. In phase 2, projects were fully consulted on and were scrutinised by an independent auditor. Such projections can indicate the level of scarcity in the scheme; in effect, that gives important indications on what the carbon price should be. We accept the uncertainty, but we believe that it can be a useful guide.

The hon. Member for South Suffolk and my hon. Friend the Member for Morley and Rothwell (Colin Challen) asked about the need for a consistent figure on limiting the use of clean development mechanism credits. The United Kingdom has taken a keen interest in CDM, and we have worked hard to make the mechanisms more effective and accountable. We asked for a limit on CDM credits for the EU ETS. Each member state proposed limits, some of which were reduced by the Commission. We sought and won a limit of 8 per cent. of the free allocation and 93 per cent. of the electricity sector. We are pushing for limits in the EU ETS in phase 3 on that very topic.

My hon. Friend also asked about other measures, saying that we should be careful not to think that the EU ETS was the only solution to our difficulties. The Government agree. I remind the House that the Stern review suggests that three elements are involved: the first is carbon pricing; the second is technology policy; and the third is measures to overcome barriers to behaviour change in fields such as energy efficiency. We are committed to that. We accept the Stern analysis and we are doing various things in all those areas.

Gregory Barker: If the Minister accepts the imperative of energy efficiency, why has the Treasury cut the surplus in the energy efficiency budget?

Joan Ruddock: I am not the Minister responsible for that, so I would have to check, but I understand that we have changed schemes rather than cut them. If we end one scheme, we may introduce something better—something that will go further. I will happily write to the hon. Gentleman on the matter.

My hon. Friend spoke of contraction and convergence, as did my hon. Friend the Member for West Bromwich, West (Mr. Bailey) in an intervention. There is currently no international consensus on that approach. We believe that it could be a way forward and certainly merits attention, but other options are more favourable.

I am sorry to say that the consensus that so often exists in such debates—over the years, I have worked with many of the Members here today—was somewhat broken and soured by the hon. Member for Bexhill and Battle (Gregory Barker). He endeavoured to make a number of party political points, as did the hon. Member for Cheltenham. The Government would be delighted if either party were to produce an action plan to achieve a carbon economy of 80 per cent. or 90 per cent.—or even a zero-carbon economy. However, we have to be credible and realistic about what can be achieved.

It is vital that people understand the low level of renewable energy that existed in this country when Labour came to office; there was hardly any, except for the long-standing hydro schemes in Scotland. We have made huge efforts, and we have a target of 15 per cent. for electricity generation by 2015. The hon. Member for Cheltenham said that the Prime Minister had talked of 20 per cent. electricity coming from renewables by 2020. He was correct about our aspirations for renewable generation of electricity by 2020. No one has resiled from that.

The debate about the EU target is completely different. It is about the supply of energy as a whole; it is not about electricity production alone but about all sectors, including transport and heat. It is a very different situation, bearing in mind that the UK is now at 2 per

[Joan Ruddock]

cent. We would be very happy to receive recommendations on how to proceed at a faster pace and how to achieve more. We remain committed to the 20 per cent. EU-wide target. Many other member states have a much higher renewable energy supply and many of them will find it as easy or as difficult as us to move forward. There needs to be a balance, but a balance will be found. We have made a proper commitment to doing that and we remain committed.

Martin Horwood: I will happily send the Minister our recommendations on how to achieve the ambitious targets that we have set out, which would achieve reductions in unclean energy and electricity generation. The hon. Lady was right to make that distinction. A crucial part of that is using other clean technologies as transitional phases, as I mentioned, until we can increase the overall level of renewables. One such transitional technology might be clean carbon capture and storage. Would the Minister support a massive increase in its use if it can be supported through research and development?

Joan Ruddock: I wish that the hon. Gentleman were giving credit to the Government on this point. We are the people who have put the Government and all their energies behind the development of carbon capture and storage. We have promoted that internationally and set up a competition. We are doing everything possible. We have already written the terms of the competition, which will be about producing a post-coal generation carbon capture process. We have chosen that because we know that China and India will continue for many decades with coal-fired power stations. The only hope is that we produce a technology that will help them secure a reduction in CO_2 emissions at the same time as bringing their people out of poverty through energy generation.

The hon. Gentleman is right. We want it and we will have it. We have done more than any other Government to secure that end result. However, it is enormously expensive, so we will wish to seek support from the whole of the House on its roll-out to agree that this is a way forward and that it would be appropriate to invest more in it.

Gregory Barker: There is a clear reason why the UK is at 2 per cent., as the Minister rightly said, and why progress on renewables has been so poor: it is the renewables obligation. The largest beneficiary of the RO over the past 10 years, or the period in which it has been alive, has been landfilled methane gas, which has been sucking in a huge amount in public subsidy. Contrast that with a different public policy in Germany for feed-in tariffs. At long last, the Government are starting to change.

Ann Winterton (in the Chair): Order. I think that is a long enough intervention, Mr. Barker.

Joan Ruddock: I think perhaps that the hon. Gentleman needs to look at the achievement of our Kyoto emissions targets and compare that with Germany. I think that different mechanisms achieve different results. We have made a good effort and are meeting our international obligations on CO_2 targets. We started without renewables, or effectively with limited renewables, except for the historic hydro in Scotland, because of the previous Administration's total failure to understand the developments in this new technology. We are reviewing the renewables obligation. It is going to change substantially and I am convinced that it will give a new impetus to the development of new kinds—new forms—of renewable technologies.

The hon. Member for Ruislip-Northwood said that we needed a consistent, transparent methodology for giving out allowances with less scope for political interference. He will not be surprised that we agree with that sentiment. There should be greater harmonisation of the allocation and future free allocation should be based on benchmarking. It is particularly important that we have harmonised rules for new entrants' allocations from phase 3. The hon. Gentleman can rest assured that we are with him. With that approach added to much more auctioning, we would be able to make much further progress.

Both the hon. Gentleman and my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) mentioned the need for a sectoral approach in allocating allowances and said that energy producers should not get a disproportionate number and be allowed to pass on the cost to other sectors. Again, we agree with that. Some pressure was put on the electricity producers in terms of the cap and they took a cut in allowances in phase 1. In phase 2, allowances for auctioning will be taken from that sector and in doing so we will be putting special pressure on them. I think that that is what hon. Members would want. In other sectors, there is allocation on a business-as-usual basis.

The hon. Gentleman turned away for a moment from his good all-party credentials and questioned the commitment of the present Administration on climate change. In questioning the commitment of the Prime Minister, he is speaking of a man who, as treasurer, provided all the instruments that have been used to drive down CO_2 emissions, increase renewables and make a real difference in getting this country on a path to a low-carbon economy. The hon. Gentleman will remember that the Prime Minister, when he was Chancellor, introduced the climate change levy, the first really important instrument in this regard, which the hon. Gentleman's party has consistently opposed.

Let me also remind the hon. Gentleman that it was the present Prime Minister, when Chancellor, who commissioned the Stern report. I know that the hon. Gentleman knows this because he and I have travelled to conferences together around the world, and the Stern report is considered a seminal work on climate change dialogue.

Gregory Barker: True.

Joan Ruddock: I am glad that the shadow Minister agrees with this. The Stern report has transformed thinking. I have not only been to the conferences that we have all attended—in Washington, for example—but I have been in Africa, where people have heard of the Stern report and have suddenly understood, through its approach, the relationship between their economies, the developed economies and global climate change.

My hon. Friend the Member for Gower talked about bringing the maritime sector into the EU ETS. We in the UK Government have been pressing the International Maritime Organisation to address the contribution of the maritime sector to climate change and are investigating options regarding shipping in the EU ETS. So, again, we are on to this in so many sectors, including international aviation. It is the UK that has been pressing for Europe to go further and we are doing it again on the issue of maritime emissions.

I am not sure whether it was my hon. Friend or the hon. Member for Cheltenham who asked about bringing surface transport into the EU ETS. *[Interruption.]* Sorry, it was the hon. Member for Cheltenham who mentioned that. I know my geography, but it is difficult to make all the notes at the speed one needs to. Potentially, surface transport could be included in the EU ETS. However, that is not the only instrument; there are others. The hon. Gentleman mentioned the standards of manufacture for vehicles. These are important mechanisms through which we can get reductions. We are happy to explore that, but we would also need to have regard to how it would affect other sectors and the mechanism overall.

Mr. Hurd: The Minister is expanding on what the Government are seeking to include in the emissions trading scheme. She may be aware of research from the Institute of Public Policy Research, published in December 2006, which showed that 50 per cent. of the installations included in the ETS account for only 0.8 per cent. of emissions. Does she recognise that that may represent a strong case for rationalising the scheme and excluding small emitters and, in doing so, may reduce the bureaucratic burden on British business? Are the Government, in addition to looking to expand the scheme, considering the opportunity to rationalise it?

Joan Ruddock: I think that that might be likely, but because I am not the Minister responsible I will undertake, if I may, to write to the hon. Gentleman or to get my colleague to write to him.

I think that I have dealt with the concerns of the hon. Member for Bexhill and Battle about transparency by referring him to the report. He talked about buying our way out of emissions. Of course, there is no question of our doing that. The issue is tightening the cap. We were the only member state to put forward a cap that was accepted by the Commission. We are the people who want to drive down emissions through tight caps and that is the way in which we will ensure that we deal with the issues that he raised, and particularly with whether it is right to lower our renewables target so that we do not undermine the EU ETS. The more we have renewables, the more it is necessary to drive down the cap. That is how it works. It is not substituting one for the other. We want to and will increase renewables and in doing so we will continue with the EU ETS and will seek to have tighter caps so that we achieve real reductions, whether here or in other countries.

I hope that I have been able to address most of the issues that have arisen during the debate. If I have not, I am sure that hon. Members will let me know and we will see whether we can respond appropriately. The EU emissions trading scheme is approaching the end of its landmark first phase, as we have all acknowledged. The Committee correctly points out that important lessons have been learned from that initial phase. Those lessons are vital to ensure that a scheme can deliver emission reductions cost effectively.

We need to use the solid base that phase 1 has provided when building for the future scheme. The scheme can be the basis of a global carbon market. An effective trading scheme can be a springboard for new impetus for the international community to tackle climate change. The Environmental Audit Committee's report states that emissions trading should not be seen as a miracle cure for global warming, and I share that view. Avoiding dangerous climate change will involve hard choices from Government, business and individuals.

In the UK, we have shown international leadership in fighting climate change. We have done so through the Kyoto conferences and we will do so again in Bali. We are also introducing the Climate Change (Effects) Bill. Nothing could be a more important signal to the rest of the world that we take the subject seriously. No other country is imposing on itself the emissions limits that we will impose in the UK. People say that 60 per cent. is unambitious, but they merely have to consider how we can achieve that 60 per cent. by 2050 to know that it is very ambitious. Notwithstanding that, if Members say that the aim should be 80 per cent., 90 per cent. or even zero, they can rest assured that we will bring forward in our legislation—I hope that we will have all of their support—a means by which an independent judgment can be made about whether 60 per cent. is the right target or whether it should be higher. We will have an independent climate change committee of experts who will advise the Government on whether we have it right.

The Commission has followed many of the UK's examples. It has a greenhouse gas emission target for 2020 and a commitment that if we can reach a global agreement, instead of 20 per cent. by 2020, the EU will move to a target of 30 per cent. As I have said, we have led the way in pressing for tight, fair and robust caps for phase 2 of the scheme. Our efforts have led to a renewal of confidence in the EU ETS for phase 2 and beyond. There is consensus in the UK across Government, business and non-governmental organisations that the scheme is a key part of a long-term policy framework to reduce emissions. Many countries, both in and outside the EU, see emissions trading as the way forward to help to drive emissions reductions. It is important that the scheme sets an excellent example. We are heading in the right direction and I am grateful to the Committee for its serious, lengthy and probably quite difficult deliberations and for the good advice with which it has been able to provide us.

4.45 pm

Mr. Yeo: I am conscious that I now stand between colleagues and their enjoyment of a low-carbon weekend. I will not comment on the whole debate, because the Minister has done so very thoroughly, but I want to say how much I appreciate those colleagues from the Environmental Audit Committee who have attended, some of whom have spoken and others have intervened. That has been helpful and supportive and shows how much importance we attach to the report.

[Mr. Yeo]

I am grateful to the Minister for her kind remarks and generous comments about the report and for those about me and the Committee's work. She is well respected and well known for her commitment to the environment, and I pay tribute to her for the continuing interest that she has shown in these issues. However, I cannot miss the opportunity of commenting on one or two of her responses. I recall from the distant past that the job of a Minister of State is usually to defend the indefensible decisions of the Government that the Secretary of State does not want to be tarnished with, and I fear that that has been her lot this afternoon, too.

I agree with much of what the Minister said. I wholeheartedly welcome her acceptance that the EU ETS needs greater market scarcity if we are to achieve the sustainable carbon price that we all want. That is absolutely right. I am delighted that Britain will push for more auctioning, and the Government are right to call for a minimum, rather than a maximum, level of auctioning. That is absolutely essential. I am also glad that she recognises that aviation should be subject to more auctioning than has been applied to the rest of the EU ETS. It is good that Britain has pressed for aviation to be included in the ETS, but that will not be good enough if we do not get it in on the right terms. I welcome the Government's continued interest in that.

I was disappointed by the rejection of hypothecation of revenue from auctions. That is certainly, predictably, the view of the Treasury. It should not be a view that any other Department accepts; it should be the subject of a much more bitter Whitehall battle. I should like to see some leaks about the views of DEFRA and other Departments, attacking the Treasury for its Jesuitical refusal to allow the hypothecation of revenue from auctions. Incidentally, the view is not consistent. We have a television tax that masquerades as the licence fee whose proceeds are hypothecated to one particularly extravagant organisation known as the BBC. Even the climate change levy has an element of hypothecation about its proceeds.

I was pleased that the Minister accepted that business-as-usual projections contained some uncertainties, but I urge her and her colleagues to reconsider the details of what we have said about that and the presentation of the figures. I have doubts. I remember that in the distant past, when inflation was high, public spending predictions used to be produced on what was called funny money, which built inflation into the system. We are in danger of doing the same thing with business-as-usual projections for emissions.

On contraction and convergence, the hon. Member for Morley and Rothwell (Colin Challen) will be as disappointed as I was by what the Minister said about there being no international consensus. Of course there is no international consensus. That is exactly the situation in which I want the British Government to give a lead. They should get out there and start selling that concept to ensure that the post-Kyoto conclusion at least acknowledges—we are not going to get there in 10 years—that as the long-term goal. That is the only fair way, in 30 or 40 years, for the world to distribute the burden of dealing with climate change. The Government have a great opportunity. As I have said, they have shown leadership, particularly under the previous Prime Minister, as did the Government under Margaret Thatcher. That has exercised a great influence on the world's view of these matters, and there is a great opportunity to do the same thing with contraction and convergence.

Targets excited a certain amount of comment and controversy. To be fair to my hon. Friend the Member for Bexhill and Battle (Gregory Barker), I think that it was I who said that targets should be 80 or 90 per cent., rather than him. He did not express a precise view about that. I suspect that he might have a view privately, but he is, no doubt, awaiting the final conclusions of the shadow Cabinet on whether it could commit to those levels.

I share slightly the reservations expressed about the endorsement by the hon. Member for Cheltenham (Martin Horwood) of a 100 per cent. target. It is important to remain credible. There are many areas in which we could meet zero emissions targets. The built environment is a prime example; we are being utterly feeble in not getting there much more quickly. Also, on surface transport, we might get very close to 100 per cent., but that is difficult to envisage in some areas. Although it is an admirable goal, I suspect that, at least in the short term, we might find it easier to persuade people to sign up to an 80 or 90 per cent. target than to a 100 per cent. target.

My criticism of the 60 per cent. target is not that it is unambitious. Clearly, it is very ambitious, and at the moment we are not on track to meet it. My criticism is that the science shows that it is inadequate—60 per cent. by 2050 will almost certainly result in an increase in temperature of up to 3 or 4° C, or possibly even 5 or 6° C. The sooner that we recognise that and accept the science the better. The hon. Member for Morley and Rothwell made this point: we must not get hung up on cutting emissions. The focus should be on the overall carbon budget and on the concentration of greenhouse gases in the atmosphere. It is already 50 per cent., which is about the level that has prevailed over the course of human occupation of the planet. It is quite likely that that level is dangerous, but it is increasing at two or three parts per million. Within 20 years, therefore, we shall certainly be at dangerous levels. That is why this situation is very much more urgent than has been recognised.

People who talk about the survival of the planet are making a mistake as well. This is not about the survival of the planet; the planet existed long before human beings. This is about the survival of one species—humanity. The planet will continue after we have disappeared. We arrived very late in the history of the planet, and we might disappear early as well.

To revert to the debate, on carbon capture and storage, to use the Minister's words, if all the Government's energies are being used to promote the issue internationally and to set up competitions and so on, I wonder at how little energy the Government have. It is true that no country is doing anything like enough on carbon capture and storage. It is certain that countries such as China and India will burn their huge coal reserves, and unless the world succeeds in tackling carbon capture and storage, almost all our other efforts will be wasted. That is the sine qua non. Without the technologies to deal with the problem cost-effectively, we are almost certainly done for. I am saying not that Britain has done worse than other countries, but that the efforts of all countries have been scandalously inadequate.

I do not want to embarrass the Minister, but by the look on her face, she agrees that she made the best fist that she could for the Government. Incidentally, I welcome the very recent announcements, but a great deal more needs to be done. I shall touch on the commitment of the Prime Minister to climate change. There was the climate change levy, and there were some encouraging early signs during his stewardship of the Treasury, but I am afraid that the past five years have been pretty disappointing. The freezing of the escalator on fuel duty and the failure to grasp all sorts of opportunities to use the tax system, on a revenue neutral basis, to encourage greener choices were extremely disappointing. Those were great missed opportunities. He has a chance to put that right, but the latest pre-Budget report was introduced three months after he took over as Prime Minister, and although it clearly showed his willingness to listen to views put forward by other parties, it is a pity that he did not listen to those on promoting greener transport choices through the tax system, for example.

To conclude on a positive note, I believe that the report is important and valuable, and it contains a lot of good recommendations. I am grateful to the Government for their printed response and for much of what the Minister said this afternoon. I wish her every success; I hope that she will be a Trojan horse within the Government for members of the Committee and lean on her ministerial colleagues to get them to move in the direction in which I am sure, in private, she would like to move. I believe that this country will have to move in that direction before very long, and the sooner that we do it, the bigger the advantage that Britain will have politically, environmentally and in business as well.

Question put and agreed to.

Adjourned accordingly at five minutes to Five o'clock.

Written Ministerial Statements

Monday 22 October 2007

JUSTICE

Multi-Agency Public Protection Arrangements

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): The Sixth annual Multi-Agency Public Protection Arrangements (MAPPA) reports are published today. The MAPPA bring together the police, probation and prison services in each of the 42 areas in England and Wales into what is known as the MAPPA "Responsible Authority". Other agencies are under a duty to co-operate with the responsible authority, including social care, health, housing and education services.

The "Child Sex Offender Review", published in June, identified a number of ways in which the administration and co-ordination of the arrangements could be improved. It is essential, if we are to be reassured that offenders are being managed properly, that those running MAPPA locally are able to monitor and report on the arrangements; and that accurate records of cases are kept and action plans followed up.

The Government have therefore committed £1.2 million to strengthen precisely these aspects of MAPPA. Complementing this commitment will be the development of national standards for MAPPA, establishing improved information sharing, robust performance management arrangements and the development of consistent, auditable MAPPA co-ordination processes. These standards will ensure that agencies are serviced with the best possible information on risk on which to make decisions. They will also provide an important benchmark against which to measure and then drive up performance.

In addition, we will be providing an extra £l million for the implementation of the Violent and Sex Offender Register (ViSOR) across the probation and prison services. For the first time, the three responsible authorities will be working on the same IT system enabling the sharing of risk assessments and risk management information on individual violent and sex offenders in a timely way to reduce re-offending.

The annual reports describe how the arrangements work locally and include key public protection achievements in each of the 42 police and probation Areas of England and Wales. They report on progress against local business plans, outline next year's plans, and provide contact points for further information. They also provide statistical information on the number of offenders eligible for the MAPPA and how they are managed.

Copies of every area report are being placed in the Libraries of both Houses, the Vote Office and the Printed Paper Office.

TRANSPORT

ATOL Bonding

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): Between April and June 2007 the Government and the Civil Aviation Authority (CAA) consulted on options for the reform of Air Travel Organisers' Licence (ATOL) bonding by package holiday companies. The aim was to reduce burdens on ATOL holders and also to replenish the Air Travel Trust Fund (ATTF) following the Civil Aviation Act 2006, allowing the Government's loan guarantee to be phased out. As a result of the consultation, Government announced in August an 'in principle' decision to introduce a pooled scheme, based on a £1 per passenger ATOL Protection Contribution (APC) paid by the tour operator, to replace the current ATOL bonding arrangements from 1 April 2008. Confirmation of the decision was subject to CAA's satisfactory progress on aspects of the scheme.

The Government are now content to confirm the decision. The Civil Aviation (Contributions to the Air Travel Trust Fund) Regulations 2007 have today been laid before Parliament which will allow the CAA to implement the APC from 1 April 2008.

There is no change in the comprehensive financial protection available to passengers. Those buying a package holiday will be entitled to a full refund if their travel organiser becomes insolvent before they travel, and assistance with returning home if they are already abroad.

WORK AND PENSIONS

Deregulatory Review Report (Government Response)

The Minister for Pensions Reform (Mr. Mike O'Brien): On 25 July I announced that Chris Lewin and Ed Sweeney, who had been appointed as external reviewers to the Deregulatory Review in December 2006, had published their report "Deregulatory Review of Private Pensions". Their report made a number of recommendations for change. We are grateful to Chris and Ed for their thorough and thoughtful report. I am today placing copies of our response in the Libraries of both Houses.

While the Government are committed to reducing burdens on employers who provide pension schemes, they also recognise the need to strike a balance with the need to protect members' benefits. We therefore agree with the reviewers' recommendation that no changes should be made which would adversely affect current pensioners or past service rights that have already been built up.

The Government believe that proposals outlined in our response to the recommendations made by the reviewers strike the right balance between encouraging employer provision of pensions and protecting members' benefits. They will reduce costs and will make it easier for scheme rules to be changed to mirror relaxations to specific requirements. Some employers have asked for

'Limited Price Indexation' but our view is that it would not strike the right balance with the interest of members of schemes and we cannot support it.

We want to seek further views from stakeholders on these proposals before we introduce any changes, so there will be a short period of consultation on proposals to:

> Reduce the cap on the revaluation of deferred pensions so that the maximum increase required in the value of pension rights - between a member ceasing to build up any more rights in the scheme and their scheme retirement age would be 2.5 per cent. annually . The current cap is 5 per cent.
>
> Introduce statutory overrides to enable scheme rules to be amended to take advantage of the measures in the Pensions Act 2004 which reduced the cap for annual increases to pensions derived from benefits accrued since 2005 from 5 per cent. to 2.5 per cent. and to make amendments to reflect any change to the cap used for the revaluation of deferred pensions.

The consultation period will end on 15 November.

We also accept that there is scope for more work on other issues and as part of a rolling programme of deregulation will explore the following areas:

> The circumstances in which an employer leaving a multi-employer scheme must make a payment to the scheme under the Employer Debt Regulations.
>
> A move to principles-based legislation, starting with the rules around the disclosure of information to members.
>
> Employer concerns about the existing rules on surplus funds in defined benefit schemes.

We will repeal the complex legislative requirements which apply to "safeguarded rights" which arise following pension sharing on divorce or dissolution of a civil partnership.

The Government's response will be available on the Department's pension's reform internet site later today.

Written Ministerial Statements

Tuesday 23 October 2007

BUSINESS, ENTERPRISE AND REGULATORY REFORM

Energy Markets Outlook

The Minister for Energy (Malcolm Wicks): I am pleased to inform the House of the publication today of the first Energy Markets Outlook. This represents the first stage in delivering the Government's commitment in the 2007 Energy White Paper to introduce a new information service. The Energy Markets Outlook will provide forward-looking energy market information relating to security of supply.

The Energy White Paper set out the Government's continuing commitment to the combination of competitive markets and independent regulation as the most effective way of delivering affordable, sustainable and reliable energy supplies. Under this framework, energy companies are encouraged to invest in projects that will help maintain secure and reliable supplies. They do this in response to the price signals emerging from energy markets and the demands of their customers.

In this context, timely and credible information about the outlook for energy supply and demand is vital to help energy suppliers and customers plan for future investment and arrangements for purchasing energy.

The Energy Markets Outlook, which has been developed with the help of Ofgem and National Grid, looks at security of supply and its drivers over a time horizon of up to 15 years. It covers electricity, gas and other fuels including coal, oil, nuclear fuel and renewables. It also looks at supply chain issues such as the availability of skilled staff, materials and labour for the construction and operation of new infrastructure, and the potential impact of the emerging carbon market on the security of electricity supply.

We are also launching an online resource, which contains additional detail on security of supply, including background analysis and links to other sources of information. This can be found at:

http://www.dti.gov.uk/energy/energymarketsoutlook/page41839.html and will be regularly updated.

This initial report suggests significant medium-term opportunities for the construction of new electricity generation capacity in response to expected demand and forthcoming plant closures. This is consistent with the conclusion set out in the Energy White Paper that around 20 to 25 GW of new generation will be required by 2020. Companies have already announced plans for over 14 GW of new generation.

For the gas market, the Energy Markets Outlook shows that delivery of new capacity and planned new infrastructure should more than compensate for reduction in indigenous production in the medium term. However, further investment will be needed to avoid market tightness around the middle of the next decade and in subsequent years. Alongside pipeline supplies, the global Liquefied Natural Gas market provides an opportunity to access additional sources of gas on a more flexible basis.

The initial report suggests that the future use of other fuels—coal, oil and nuclear fuels—is unlikely to be limited by resource availability in the near term, but acknowledges that these are finite resources in the longer term. It shows that maintaining security of supply while expanding the use of renewable energy sources is achievable, given the UK's extensive primary renewable resources, although this will involve some additional costs.

The Energy Markets Outlook is the first stage in a dialogue between the Government, companies, market participants and other interested parties. The intention is to help develop a shared understanding of the longer-term outlook for energy supply and demand and of emerging risks that could affect security of supply.

We hope that this report will help the UK's strong energy market respond to the challenges and opportunities for future energy supply.

CHILDREN, SCHOOLS AND FAMILIES

14-19 Reform

The Secretary of State for Children, Schools and Families (Ed Balls): I am today announcing plans to build on the success of our 14-19 diploma programme by expanding the diploma offer to include subject-based diplomas in Science, Languages and the Humanities.

A further statement detailing these proposals has today been placed in the Library.

COMMUNITIES AND LOCAL GOVERNMENT

East of England Plan

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Parmjit Dhanda): My right hon. Friend the Secretary of State for Communities and Local Government is today publishing "Further Proposed Changes to the East of England Plan" (also known as the "Draft Revision to the Regional Spatial Strategy for the East of England") for eight weeks' public consultation. The further proposed changes take account of the habitats directive assessment of the plan's effects on sites protected under the European habitats directive. The report of the habitats directive carried out by planning consultants, RPS, is also being published for consultation.

The further proposed changes are additional to, and in a small number of cases modify, the Secretary of State's "Proposed Changes to the East of England Plan", which were published for consultation in December 2006.

An initial assessment of the plan under the habitats directive which was carried out by environmental consultans, ERM, was published with the Secretary of State's proposed changes in December 2006. That piece of work was among the first assessments of regional spatial strategy against the directive, following the October 2005 decision by the European Court of Justice that development plans and regional spatial strategy in England need to be assessed against the requirements of the habitats directive. ERM considered the likely significant effects of the plan on such sites, and concluded that an appropriate assessment—the more detailed assessment stage under the directive—was not required.

Over 19,700 separate representations were submitted in response to the proposed changes, and a small number of these challenged the conclusions of the habitats directive assessment in relation to a number of European sites. Having considered the points made in relation this matter, including those put by the regional assembly for the East of England and Natural England, the Government Office for the East of England commissioned further work by RPS to assess the East of England plan against the habitats directive, culminating in an appropriate assessment of a number of the plan's policies. RPS have also produced a short supplementary report on the implications of their work for the sustainability appraisal of the plan.

This further work has now been carried out and in the light of it, the Secretary of State is now proposing to make a small number of further changes to the plan. By consulting for a further eight weeks on those changes and on the habitats directive report, the Government aim to ensure that the final plan will be fully compliant with the directive.

The further changes relate to the protection of sites of European or international importance for wildlife, and are proposed principally to avoid giving rise to likely effects on such sites, or to mitigate any possible adverse effects. While some of the changes identify possible constraints to growth, notably at Thetford, or highlight infrastructure constraints that need to be addressed, notably in regard to sewage treatment capacity for Stevenage, Harlow and Welwyn, the assessment has not given rise to any fundamental change of policy. The broad aims of the strategy remain as before: to provide for 508,000 dwellings to 2021 and for the further increase in housing provision required through the Housing Green Paper to be delivered through a further partial review of the regional spatial strategy, covering the period to 2031.

I have today written to the East of England regional assembly with the further proposed changes. The public consultation period will end on 18 December 2007. Following consideration of responses to the consultation on the Secretary of State's proposed changes and these further proposed changes, the Secretary of State is expected to publish the finalised East of England plan in early 2008.

Copies of the relevant documents, together with copies of the report of the European habitats directive appropriate assessment, are available in the Libraries of both Houses and have been provided for all of the region's MPs, MEPs, and local authorities.

WORK AND PENSIONS

European Court of Justice (Disability Benefits)

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): In a case brought by the European Commission against the European Parliament and the Council, the European Court of Justice has decided that for the purposes of European Law, three benefits—Disability Living Allowance (care component), Attendance Allowance and Carer's Allowance—are incorrectly classified as special non-contributory benefits.

This means that these disability benefits may, in certain circumstances, be paid to some people who move from the UK to live in another member state of the European Economic Area.

The status of the mobility component of Disability Living Allowance is unaffected by this judgment.

I will look very carefully at the implications of paying disability benefits to customers living abroad, including any additional steps that are necessary to tackle fraud and error. I am considering the terms of the judgment and will make a further statement to the House before the end of the year, setting out the details of the judgment and our implementation plans.

In the meantime, further information will be provided to customers on: www.direct.gov.uk

Written Ministerial Statements

Wednesday 24 October 2007

TREASURY

Child Trust Fund

The Economic Secretary to the Treasury (Kitty Ussher): The Government's Child Trust Fund initiative is designed to strengthen the saving habit and ensure that at age 18 every young person, regardless of family background, will have access to a financial asset. The scheme will also help bring financial education to life for children, providing a practical and real life example of saving. The latest Child Trust Fund account opening figures, published on 28 September, highlight the continuing success of the Child Trust Fund, with three-quarters of parents opening an account for their child. Data published today also reveal that almost a quarter of children have already received additional contributions into their accounts.

However, there is more to do to reach new parents and to encourage the further involvement of parents whose children have accounts. The Government are continuing their efforts to raise awareness of the scheme and to encourage parents and families to engage with their child's account, by saving for their child's future and by using the Child Trust Fund to help teach children about money and saving.

From today, HM Revenue and Customs (HMRC) will send out reminder letters to all parents who have not used their child's voucher eight months after it has been issued. In addition, HMRC have already begun to roll out a programme of training for Voluntary and Community Sector organisations which will help them to provide face to face support for less financially confident parents. HMRC will also consult from today on whether the requirement for parents to send in their vouchers in order to open an account might be removed, in order to make the account opening process easier.

I will be writing to all Members of Parliament this week with details of Child Trust Fund account opening figures for their constituencies, so that they may consider what more can be done locally to encourage parents to make the most of the opportunities the Child Trust Fund represents.

HEALTH

Health and Adult Social Care (England)

The Secretary of State for Health (Alan Johnson): Regulation provides an essential safeguard for patients and users of adult social care services. Patients, service users and the public as a whole look to the regulators and managers of the health and adult social care systems to ensure the services they use are safe and of good quality and that the money they pay through taxes is used efficiently and effectively to provide the best possible services.

The interim report for the NHS Next Stage Review described an ambitious vision of high quality care that is safe, effective and personalised for all. Following a public consultation I am today publishing "The Future Regulation of Health and Adult Social Care in England"—response to consultation. The regulatory framework set out here is an essential building block if we are to make delivering safe and good quality of care a fundamental goal of health and adult social care.

This reaffirms the Government's vision for regulation and reinforces the Government's commitment to establish an integrated health and adult social care regulator by outlining the roles and responsibilities for the new regulator that will be created by bringing together the existing functions of the Healthcare Commission, Commission for Social Care Inspection, and the Mental Health Act Commission. The integrated health and adult social care regulator will be called the Care Quality Commission.

The Care Quality Commission will take rapid and appropriate action against any registered organisation that is putting patients or users of services at risk. New powers to enforce the required standards will be introduced to give the regulator the ability to choose the most appropriate action for each case. Actions could include increasing the frequency of inspection, undertaking investigations, issuing warning notices, fining providers or restricting the future actions of providers, for example, by closing services.

If the new regulator believes that the services being provided are sufficiently unsafe, or that there is some other serious breach which is putting service users at risk, the new regulator will have the power to stop a provider from providing that care. The Care Quality Commission will have flexibility about how and when to use the enforcement powers. For the first time decisions as to whether services are good enough and the action that should be taken will be completely independent of Government across both health (including NHS services) and adult social care.

The current regulatory system has worked well but has been hampered by artificial barriers between health and social care. The Care Quality Commission will focus on assuring levels of safety and quality of care across health and adult social care services in England. Coherent assessment, inspection approaches and registration of providers will assure patients and service users that no matter which service they choose, that service will meet common national requirements for safety and quality.

The Care Quality Commission will be an authoritative and independent source of information on how well health and adult social care services are being provided. The performance information they produce will be publicly available and, alongside existing sources of information, for example, the NHS Choices website will help patients and users of services decide how and where they want to be treated.

The Care Quality Commission will work to the Government's principles of good regulation. It will use information and intelligence (including the views of patients, users of services, carers and staff) to target its finite resources to the areas of greatest risk. The new legislation will allow flexibility so that the scope of regulation can be amended to reflect new models of care and new information on the risk to patients and users of specific services.

The regulatory framework has been placed in the Library and copies are available to hon. Members from the Vote Office.

JUSTICE

Judicial Appointments

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): On 8 October I made a written ministerial statement to this House stating my intention to adopt, on a voluntary basis, the provisions of the Constitutional Reform Act relating to a new appointments process for Justices of the United Kingdom Supreme Court. A typographical error meant that the Statement referred to my adoption of Section 8 of the Constitutional Reform Act rather than the relevant parts of the Act, which are Sections 25 to 31 of Part 3 and Schedule 8. I am therefore issuing the amended statement below to correct this mistake.

The Constitutional Reform Act 2005 makes provision for a new appointments process for Justices of the United Kingdom Supreme Court. The Act brings these provisions into effect once the Court is operational. The new arrangements aim to increase public confidence in the appointments process by creating greater transparency of appointments and improving competition for these positions. I believe that it is sensible to adopt the new process from now on. This is because those newly appointed to the Appellate Committee of the House of Lords will spend the majority of their career in the Supreme Court

I will therefore adopt Sections 25 to 31 of Part 3 and Schedule 8 of the Constitutional Reform Act on a voluntary basis, as any new appointments made will help to determine the character of the Court. This decision does not impact upon other provisions within the Act that will come into force when the Supreme Court opens for business in October 2009.

A selection commission will be formed when vacancies arise. This will be composed of the President and Deputy President of the Supreme Court and members of the appointment bodies for England and Wales, Scotland and Northern Ireland. All new judges appointed to the Supreme Court after its creation will not be members of the House of Lords; they will become Justices of the Supreme Court.

Written Ministerial Statements

Thursday 25 October 2007

CHILDREN, SCHOOLS AND FAMILIES

Children Act (Section 58 Review)

The Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan): Today I am publishing the results of the review of section 58 of the Children Act 2004. Section 58 removed the availability of the defence of reasonable punishment from parents and those acting in loco parentis who are charged with assault occasioning actual bodily harm, wounding or grievous bodily harm, or cruelty to a child.

The Minister of State, Department for Culture, Media and Sport, my right hon. Friend, the Member for Barking (Margaret Hodge) said during the passage of the Children Act 2004,

> "I can give a clear commitment that two years after clause 56 comes into effect we will review the practical consequences of those changes to the law, and will also seek parents' views about smacking. We will lay a copy of the results before Parliament".

The Government have carried out a public consultation, survey of parental opinion, survey of children and young people, and sought additional evidence, in order to meet the commitments of the review. The review found that smacking is becoming a less commonly used form of discipline as more parents recognise that there are more effective and acceptable methods of disciplining children. While many parents say they will not smack, a majority of parents say that smacking should not be banned outright. Many organisations however support legislation to ban smacking. The police have discretion to deal with cases as they consider appropriate, taking into account factors including the evidence available, the public interest and the best interests of the child. The law is clear and section 58 has improved protection for children, but there appears to be a lack of awareness across different audiences about the scope and application of the law.

In response, the Government will retain the law in its current form, in the absence of evidence it is not working satisfactorily. We will also do more to help with positive parenting. We also welcome the bulletin issued by the Crown Prosecution Service to all their staff reminding them of section 58 and where appropriate reminding them to bring it to the attention of courts, juries, and defence lawyers, and recommend that the police take similar action and remind staff of section 58, particularly staff in Child Abuse Investigation Units.

Today I have placed copies of the review report and the supporting evidence in the House Library and online at: www.dcsf.gov.uk/publications/section58review. They are also available to Members from the Vote Office.

COMMUNITIES AND LOCAL GOVERNMENT

Housing and Planning Delivery Grant

The Minister for Housing (Yvette Cooper): I am today launching a consultation seeking views on the mechanism for allocating the Housing and Planning Delivery Grant (HPDG).

This grant will provide more support for communities and local councils who are doing their bit to promote more housing and will help local authorities to respond to the local housing needs of their community. The grant totals £510 million over the three years, 2008-09 to 2010-11.

The proposed grant will offer extra funding for councils that identify at least five years worth of good sites ready for housing and a further 10 years worth for future development. All local planning authorities will be eligible for the planning element of the grant.

It will also provide extra help for those communities and councils that are doing most to support more homes. In areas where the number of homes is growing by more than 0.75 per cent. a year, councils will be able to get extra funding per home from the Housing and Planning Delivery Grant in addition to infrastructure funding and developer contributions. However in order to be eligible for funding councils will need to be able to demonstrate they are taking action to bring empty homes back into use as well as supporting more new homes. We are also proposing that qualification for the grant should depend on a local planning authority having an effective empty homes strategy in place.

This money is about extra support for those councils who are already doing their bit, ensuring that more housing is delivered to meet the needs of this and future generations. The first payments will be made next year.

Today's announcement marks further delivery against the measures set out in our Housing Green Paper, "Homes for the future: more affordable, more sustainable". It also delivers against Recommendation 18 of Kate Barker's "Review of Housing Supply", which called for a housing growth incentive for local authorities.

The detailed proposals are contained in a consultation paper will be published later today on the website of the Department for Communities and Local Government www.communities.gov.uk/publications/housing/deliverygrantallocation. Copies of the consultation will be available in the Libraries of both Houses.

DEFENCE

Defence Training

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): This statement updates the House on the Defence Training Rationalisation Programme following the announcement made on 17 January 2007, *Official Report*, column 787-89.

We continue to make progress on package 1, which aims to deliver training for Engineering and Communications and Information Systems. We have now let a risk reduction contract with Metrix which seeks to increase confidence in our ability to amend training courses quickly and efficiently over the life of the main contract in response to changes in training needs. It is anticipated that we will be in a position to commit to the final developmental phase of the project in the spring of next year with a view to signing the main contract within a further year. Construction at the St. Athan site would then start in 2009, with the aim of completing the final phase by 2013.

The work to explore possible synergies and economies of scale across the programme as a whole has concluded that there are insufficient efficiencies to move forward on this basis. We therefore continue to consider a range of options for package 2, which aims to provide training for Logistics and Personnel Administration, Police and Guarding, Security, Languages, Intelligence and Photography. These options vary from adaptations to Metrix' original PFI proposals through to a full conventional procurement. The work to develop an affordable project will continue to focus on how best to improve our accommodation and training facilities, and meet our commitments following the review by Nicholas Blake QC to improve the support, welfare and wellbeing of our trainees.

We continue to manage the implications for our people sensitively and in full consultation with trades unions and staff. For package 1, our civilian staff in scope will continue to be required to transfer to the new partner, although no moves will take place before 2011. For package 2, training will continue to be delivered at the package 2 sites under current arrangements for at least the foreseeable future. We now plan to take forward more detailed negotiations with the Metrix consortium to press ahead with package 1. The work on package 2 will be conducted in parallel and a further update on both packages will be provided next year.

HEALTH

NHS Purchasing and Supply Agency

The Minister of State, Department of Health (Mr. Ben Bradshaw): The "NHS Purchasing and Supply Agency's Annual Business Plan" has been published today.

The business plan sets out the key tasks and targets for the coming year and sets out how the agency will monitor and measures its successes in:

delivering greater value in NHS expenditure;

developing best practice for procurement and commercial management across the NHS; and

ensuring procurement can be used as a lever to deliver better patient

care and sustainability.

The business plan been placed in the Library.

HOME DEPARTMENT

Charging for Immigration and Nationality Services

The Minister for Borders and Immigration (Mr. Liam Byrne): The Chief Executive of the Border and Immigration Agency has published proposals for charging to support the new Points-based System and Biometric ID cards. Copies of this consultation letter have been placed in the House Library and are available in the Vote Office.

INTERNATIONAL DEVELOPMENT

Africa (Plan)

The Secretary of State for International Development (Mr. Douglas Alexander): I have placed in the Libraries of both Houses copies of the December 2006—July 2007 update of the "G8 Gleneagles Implementation Plan for Africa". This plan is updated by the Department for International Development (DFID) on behalf of all Departments.

In December 2006 the Government set out 10 objectives that we hoped would be achieved between then and July 2007. I am pleased to report that the majority of these have been met, although a strategic Headquarters Planning Element (PLANELM) for the Africa Standby Force (ASF) within the AU is yet to be fully established according to the criteria laid down in the 2005 ASF Roadmap. This has been due to the need to respond to other urgent demands in the region including the diversion of HQ personnel to planning for the AU mission in Somalia (AMISOM) and the continuing demands of AMIS (Darfur).

On Education 25 African countries now are involved in refining or developing 10-year education plans for reaching the Education and Gender MDGs. The 2 May 2007 High-level Education conference in Brussels agreed on the need for more, better and faster support for education and to identify ways to ensure long-term predictability in planning and financing. At the Heiligendamm summit, the G8 reaffirmed its commitment to "Education for All" and that countries will not be thwarted in their achievement of this goal by lack of resources, and that the G8 will continue to work with partners and other donors to meet this years Fast Track Initiatives (FTI) financing gap of $500 million. There was consensus on the need to work together with other donors and recipient Governments towards helping to fund long-term education sector plans.

In the health sector, in February 2007, donors announced US $1.5 billion funding for the pilot Advance Market Commitment (AMC) for pneumococcal vaccines.

The UK contribution is US $485 million. The establishment of the AMC is to be completed by the end of 2007. The International Finance Facility for Immunisation (IFFIm) held its inaugural bond launch in November 2006 and raised US $1 billion for disbursement by the Global Alliance for Vaccines and Immunisation (GAVI) Alliance on health and immunisation activities.

In November 2006, the Global Fund for AIDS, TB and malaria (GFATM) approved a sixth round of grants benefiting 62 countries and totalling $846 million (nearly half of this funding has been allocated for GFATM programmes in Africa). Roughly, half of which is being used to tackle AIDS, and a quarter of the money is going to each of TB and malaria. Contributions from constituencies including the private sector enabled the GFATM to fund all proposals that were recommended for funding. By March 2007, 92 countries had set outcomes targets for universal access, while 36 countries had incorporated these targets into their national strategic plan and costed it accordingly.

Between December 2006 and July 2007 progress has been made on the removal of health user fees in Africa including in Mozambique and in Kenya. The Kenya Ministry of Health abolished fees for maternity services in July.

In the area of Peace and Security endorsement of completed work on Africa Standby Force (ASF) doctrine, the concept of operations and the Phase II Roadmap should be achieved later in 2007 at a meeting of African Chiefs of Defence Staff as well as UK facilitated concepts on Rapid Deployment and Logistics. Commitments made at Heiligendamm summit will also provide a boost to development and implementation of police and civilian elements of the ASF. Regional Headquarters Planning Elements and Brigade HQs have been established across four of the five ASF regions. None are yet fully operational, but those in Western, Eastern and Southern Africa now have an initial planning capability and have received sufficient troop pledges for their brigade structures. The UK continues to play a lead role in donor co-ordination in capitals and Addis Ababa, including on future financing for AU capacity building and operations.

The UN General Assembly Resolution agreed (in autumn 2006) to start a process leading to talks on an international Arms Trade Treaty that is legally binding, covers all conventional weapons and the world's major arms exporters and includes enforcement and monitoring arrangements. A record number of countries (over 90) submitted their views on a treaty to the UN Secretary-General, in advance of the establishment of a Group of Governmental Experts (GGE) next year. The GGE will report its findings to the UN General Assembly in 2008.

Five G8 countries have ratified the UN Convention Against Corruption: Canada, France, Russia, the USA and the UK. Seven (Cameroon, Gabon, Ghana, Guinea, Mauritania, Nigeria, and Azerbaijan) of the 24 EITI countries have produced audited reports. Sixteen of the 24 countries engaged in EITI are African countries. So far none of the emerging market countries have committed to support EITI though dialogue is on-going; two companies, Petrobras from Bazil and Pemex from Mexico, are actively supporting implementation and are a EITI Board member and alternate member respectively,

Ghana, Rwanda and Kenya have completed their peer reviews under the Africa Peer Review Mechanism and are implementing the plans of action arising from the recommendations made in the reviews. All three countries have produced annual monitoring reports. The target of four more countries completing reviews was not met, with only two (Algeria and South Africa) completing the process. However, there are positive signs that the APRM is now gaining momentum. The UK has provided support to the APRM Trust Fund, the Strategic Partners and to country self-assessment reviews.

There has been good progress towards meeting the Aid for Trade (AFT) commitment. The UK has played a pivotal role in developing and attracting support for the Aid for Trade concept, in the context of WTO negotiations as well as in the international donor community. The EU will adopt a new AFT strategy in the autumn. The UK has also increased its support significantly. We will provide $750 million per year by 2010 (up 50 per cent. since 2005) and we are making good progress towards this target. A Global Aid for Trade Review will be held at the WTO in November, which will look at developing country needs and whether all donors are meeting their commitments. The UK has called on traditional and new donors to support the Enhanced Integrated Framework (EIF) for Aid for Trade for Least Developed Countries (LDC) and we have committed up to 20 per cent. or £38 million to this. A recent pledging conference in Sweden was a success. Well over $100 million has been pledged for the first two years of this five year programme.

Two countries (Sierra Leone and Soa Tome and Principe) have completed the Heavily Indebted Poor Countries (HIPIC) Initiative since December 2006. In doing so they have received 100 per cent. irrevocable debt cancellation from the World Bank (IDA), IMF and African Development Fund under the Multilateral Debt Relief Initiative and also had most of their bilateral debts cancelled. The UK provides 100 per cent. irrevocable debt cancellation. Progress of others through the HIPC Initiative has been slower than expected as countries work to meet the required standards. The World Bank and IMF now predict that two countries (The Gambia and Burundi) should complete the HIPC Initiative at the end of 2007/early 2008, and two others (Democratic Republic of Congo and Guinea) during 2008.

On climate change the World Bank Clean Energy Investment Framework has now been approved and is being implemented and linked to the frameworks being developed by the Regional Development Banks. The African Development Bank's Clean Energy for Development Investment Framework planned for approval by its Executive Board in November this year. Together these Investment Frameworks are beginning to deliver additional public and private investment in alternative sources of energy and energy efficiency towards targets of several billion dollars per year.

New commitments to the Infrastructure Project Preparation Facility from three new donors, including DFID, are currently being processed. When confirmed the Facility will be capitalised to around $27 million. The project preparation pipeline has been expanded to 15 projects with an estimated investment value of around $3.6 billion (to be confirmed at financial closure).

The projections by the OECD Development Assistance Committee of the impact of the Gleneagles commitments on aid financing showed that ODA would rise in 2005, mainly due to debt relief for Nigeria and Iraq, fall slightly in 2006 and 2007 as the debt relief peak passed, and then rise from 2008. The 2007

Monterrey survey by the European Commission showed that the EU has exceeded its ODA commitments for 2006 (ODA/GNI was 0.41 per cent. against a commitment to 0.39 per cent.). The DAC reports show that global ODA flows have increased by 31 per cent. since 2004, and total aid to Africa rose in 2006, but the DAC 2007 report states that total ODA fell between 2005 and 2006 by 5 per cent. A further fall in 2007 is likely. Rapid increases in non-debt ODA will be needed to meet the commitments for 2010 and beyond made at Gleneagles and the Barcelona EU summit.

The Africa Progress Panel was launched in Berlin on 24 April 2007 in the run up to the German G8 Heiligendamm summit. The panel's first communiqué was also issued at that time. The communiqué set out the panels' views on progress against the MDGs, G8 and other commitments. The Panel Chair Kofi Annan and its members have subsequently presented their communiqué widely and engaged with key decision makers in the AU, UN and, EU to push Africa's development forward.

JUSTICE

Access to Information

The Minister of State, Ministry of Justice (Mr. Michael Wills): Today I have deposited copies of "Draft Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007: Response to Consultation" in the Libraries of both Houses. Copies are also available in the Vote Office and Printed Paper Office. I have also laid before Parliament the "Government response to the Constitutional Affairs Select Committee Report on Freedom of Information; Government's proposals for reform" (Cm 7187).

These documents set out the Government's response to the consultation on the draft FOI fees regulations and to the Constitutional Affairs Select Committee Report. They also set out the Government's decision on next steps regarding the fees regulations. We have decided to make no changes to the existing fees regulations. We will deliver a package of positive administrative measures to make better use of the existing provisions to improve the way the Freedom of Information Act works.

The Government are commissioning a review of the "30-year rule"—the date by which public records must be transferred to The National Archives by Government Departments—and the date at which records become "historical". Changes to these would require amendments to the Public Records Act and the Freedom of Information Act, and, taken together, could have the effect of increasing access to Government records. The review will consider the means by which such changes could be delivered and will include recommendations on an appropriate reduction period.

The Government are also publishing today a formal consultation on extending the application of the Freedom of Information Act, by means of an Order under Section 5 of the Act, to a range of organisations that perform public functions. The consultation will run for three months and copies of the consultation paper are being deposited in the Libraries of both Houses. Copies are also available in the Vote Office and Printed Paper Office.

In addition to this, the Government are today announcing their intention to conduct a review of the way we share and protect personal information in the public and private sector. The review and any recommendations will be produced by Richard Thomas, the Information Commissioner and Dr. Mark Walport, Director of Wellcome Trust, and published in the first half of 2008.

Coroners Courts (Reporting Restrictions)

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): The Government published a draft Coroners Bill in June 2006 in which it proposed to give coroners discretion to impose on the media anonymous reporting in some inquest cases. Since the Bill was published, this strand of policy has been subject to extensive consultation with all those with an interest. Those consulted include the voluntary sector, bereaved families and media organisations, as well as coroners and others who work within the service. As a result of the consultation, the Government have reconsidered the policy and decided to remove this clause from the Bill, and retain the current rules about the reporting of inquests. The Bill will be brought before Parliament as soon as time allows.

TRANSPORT

Active Traffic Management

The Secretary of State for Transport (Ruth Kelly): Since September 2006, the Highways Agency has been trialling active traffic management (ATM) techniques on the M42 in the West Midlands, which have proved successful in reducing congestion and improving journey time reliability. Therefore, we are today announcing the extension of the scheme to improve the M6 round Birmingham and the M6 Toll, at a cost of £150 million, scheduled for completion by summer 2011.

I have also commissioned a study into the feasibility, benefits and costs of extending advanced signalling and traffic management systems, including hard shoulder running, more widely across the motorway network. The study will report to me in Spring 2008.

I am placing the M42 trial report and the terms of reference of the feasibility study in the Library of the House.

WORK AND PENSIONS

Cold Weather Payments

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I am pleased to announce that, following advice from the Meteorological Office, the annual review of the Cold Weather Payments scheme has now been completed.

Amending regulations were laid on 11 October and will come into force on 1 November, in time for the beginning of the winter period.

A number of postcode to weather station linkages have been revised following a review by the Meteorological Office of the linkages for all weather stations and their recommendation of changes where there will be significantly improved representation. Two of the weather stations used in the scheme last winter, Boltshope Park and Capel Curig, have been or are about to be closed and two others, Weybourne and St. Mawgan will no longer be primary weather stations for the scheme. Six new weather stations have been introduced at Norwich Airport, Redesdale, Filton, Trawsgoed, Shap and Charterhall to provide data for the scheme. Five new postcodes, introduced as a result of Royal Mail Postcode changes, and one business postcode which includes a residential address have been included in the scheme and 39 postcode to weather station linkages have been changed on the advice of the Meteorological Office following representations made by hon. Members.

Copies of the revised postcode to weather station linkages have been placed in the Libraries of both Houses. I have also written to each of the hon. Members who have made representations since last winter.

Cold Weather Payments are separate from, and in addition to, Winter Fuel Payments which are paid to eligible people from age 60.

Pensions (Transfer Values)

The Minister for Pensions Reform (Mr. Mike O'Brien): In the consultation on the calculation of pensions transfer values, a number of respondents asked for more time to get ready before the new regulations take effect. The Government have considered the arguments carefully and have decided to delay bringing the new regulations into force until 1 October 2008.

The existing arrangements for the calculation of pensions transfer values will therefore remain in force until that time.

Written Ministerial Statements

Monday 29 October 2007

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Climate Change Bill

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): A Command Paper has been laid before Parliament today providing the Government's response to the pre-legislative scrutiny and public consultation on the draft UK Climate Change Bill.

The document responds to reports by three parliamentary Committees: the Ad Hoc Joint Committee on the Draft Climate Change Bill, the Environment, Food and Rural Affairs Committee in its Fifth Report, and the Environmental Audit Committee as part of its enquiry entitled "Beyond Stern: From the Climate Change Programme Review to the Draft Climate Change Bill". The Command Paper also responds to the nearly 17,000 responses to the public consultation on the draft Bill, which ran from 13 March to 12 June 2007. I am grateful to all three Committees which scrutinised the draft Bill and to members of the public for their many constructive suggestions.

Responses to the draft Bill have been very positive, reflecting the wide and increasing support for action on climate change. The reports by the different parliamentary committees, and the views expressed during the public consultation, have helped us strengthen the Bill further and increase the transparency it will bring to our efforts to reduce emissions.

The Climate Change Bill will put into statute our long-term 2050 target to reduce carbon dioxide emissions by at least 60 per cent. from their 1990 levels. As the Prime Minister announced in September, we will ask the new, expert, and independent Committee on Climate Change to report on whether our 60 per cent. target, which is already bigger than most other countries, should be even stronger still. The committee will also look at the implications of including other greenhouse gases in our targets, and we intend to take powers in the Bill to allow us to do this at a future stage if necessary. In addition, the committee's report will examine the implications of including international aviation and shipping emissions in our targets. Once the rules for including aviation in the EU Emissions Trading Scheme have been finalised, we will also ask the committee for its advice on whether there is a methodology for including international aviation emissions in our targets which is workable and compatible with the EU ETS and takes account of progress in the UNFCCC and the wider international context, and on the impacts of adopting it.

The draft Bill proposed a new system of five-yearly "carbon budgets", set at least 15 years ahead and backed by a strong system of annual accountability, under which every year the Committee on Climate Change would provide an independent report to Parliament on progress towards meeting targets and budgets, and every year the Government would respond to this report. To further strengthen the transparency and accountability of the Bill's framework, we now intend to require the committee to publish its analysis and advice to Government on setting the budgets, as well as the minutes of its meetings. We will also require Government to explain their reasons to Parliament if it does not accept the committee's advice on the level of the carbon budget, or if it does not meet a budget or target. We will rationalise the current requirements on reporting greenhouse gas emissions to make them more coherent, and we will report annually to Parliament on emissions from international aviation and shipping in line with UNFCCC practice.

We intend to strengthen the institutional framework created by the Bill by enhancing the role of the new Committee on Climate Change, so that the Government are required to seek the committee's advice before amending the 2050 or 2020 targets in the Bill, before introducing the first set of regulations on the use of carbon credits, and before establishing any trading schemes under the Bill. In addition, we intend to strengthen the committee's independence of Government by confirming that it will appoint its own chief executive and staff, and plan to increase the resources which will be available to it in the light of the parliamentary Committees' recommendations.

We will use the Climate Change Bill to support the implementation of several specific policy measures for reducing greenhouse gas emissions. We will use the trading powers in the Bill to introduce the Carbon Reduction Commitment, a mandatory cap-and-trade scheme covering energy use emissions from large, non-energy-intensive organisations. We will also use the Bill to improve the operation of the Renewable Transport Fuel Obligation and to provide a power to pilot local authority incentives for household waste minimisation and recycling. We will announce proposals in due course. Together, these policies could save the equivalent of up to 9.4 to 13.9 million tonnes of carbon dioxide equivalent per year by 2020.

Tackling climate change requires a two-pronged effort: action to reduce greenhouse gas emissions in order to avoid future dangerous levels of climate change, and action to deal with the impact that we are already experiencing and will continue to experience over coming decades. The Bill will therefore require the Government, on a regular basis, to assess the risks to the UK from the impact of climate change and report to Parliament. In addition, the Bill will also require the Government to publish and regularly update a programme covering England and reserved matters setting out how we will address these likely impacts in a sustainable way.

Since the publication of the draft Bill, we have also been working with the devolved Administrations to clarify how the Bill will operate, given the relationship of reserved and devolved responsibilities in this area. We are pleased that a way forward has been agreed, so that the revised Bill will reflect the contributions of all four administrations and will provide a clear UK-wide framework for tackling climate change.

Copies of the Command Paper are available in the Libraries of both Houses and the Vote Office. The document can also be found on the website of the Department for Environment, Food and Rural Affairs www.defra.gov.uk along with a summary of the consultation responses. A revised Bill, incorporating the changes set out above, will be published shortly.

FOREIGN AND COMMONWEALTH OFFICE

Legalisation Office

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): Legalisation is the official confirmation that a signature, seal or stamp appearing on a document is genuine. The Legalisation Office provides this service to members of the public wishing to use British documents overseas for a variety of reasons. For example, a couple wishing to marry in the Dominican Republic will need a number of documents legalised—birth certificates, decrees absolute from previous marriages etc. Similarly, many British companies need to avail themselves of the service to conduct their business in overseas markets.

The demand for this service can no longer be accommodated in the Old Admiralty Building. We have therefore taken the opportunity for a detailed look at cost-effective options for relocating. A study of the options available to the FCO was conducted earlier this year at the end of which there was a consultation exercise with our customers including the Notaries, Scriveners and the CBI.

Following these discussions and after further study, we have decided to divide the Legalisation Office into two operations. The bulk of the Legalisation Office will move to central Milton Keynes, where it will provide an improved, fast and efficient, same day service to callers, and a 48-hour turnaround on the postal service. In addition, to service the specific needs of major business clients, we propose to retain a smaller satellite (drop-box only) office in central London, offering a more focused, fast service.

The moves to the new locations will take place in the spring of 2008.

JUSTICE

Community Justice Initiatives

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): Today I have published the evaluation reports of the North Liverpool Community Justice Centre and the Salford Community Justice Initiative. Copies have been placed in the Libraries of both Houses, the Vote Office and the Printed Paper Office. The reports are also available on the Ministry of Justice website at http://www.justice.gov.uk/publications/research.htm

Three evaluations were undertaken by independent contractors. The qualitative evaluations were undertaken at a relatively early stage in the life of the projects, and the full impact of community justice may take years to assess; in particular in relation to the impact on re-offending and local people's attitudes and perceptions. The key findings include:

> Strong judicial case management and close multi-agency working has improved efficient court operation.
>
> Both projects developed a range of methods to improve public awareness of the work of the court, and increase the visibility of the judiciary and criminal justice agencies; as well as to directly involve local people in identifying priority offences and identifying local areas or facilities to be improved by offenders on unpaid work.
>
> Both projects focused on tackling the underlying issues which drive or perpetuate offending. The reports also found that increased direct engagement with defendants as well as the strong judicial leadership evident in North Liverpool has ensured a more tailored and responsive approach to offenders' needs.
>
> In both North Liverpool and Salford the judiciary, court staff and other professional stakeholders perceived that bringing offenders back to court for reviews of their community orders under Section 178 of the Criminal Justice Act 2003 is effective in helping to motivate offenders successfully to complete their orders.

The Government wish to develop the community justice model further. As the then Lord Chancellor, my right hon. and noble Friend Lord Falconer of Thoroton, announced in November 2006, they are developing 11 new community justice projects in mainstream magistrates' courts in different communities around the country. Learning derived from these projects, as well as future lessons from North Liverpool and Salford, will be used to formulate ways of delivering community justice to meet the varying needs of communities across England and Wales.

I believe excellent work is being undertaken by all the community justice initiatives to engage with their communities and to join with the other criminal justice agencies, local authorities and the voluntary sector to tackle re-offending. I would like to pay particular tribute to His Honour Judge Fletcher, the magistrates in Salford and the judiciary, magistrates, criminal justice staff and volunteers involved in all the community justice projects for the hard work they continue to do to make these projects a success.

Prisons

The Minister of State, Ministry of Justice (Mr. David Hanson): The National Offender Management Service is closely monitoring the prison population and capacity in the system. Updated figures on the prison population, and the usable capacity, are published every Friday. The usable capacity allows for an operating margin, which is a measure of the headroom needed to manage the prison estate. It reflects the fact that the estate cannot operate at 100 per cent. capacity because of constraints on where different types of prisoner can be held and on movement into, out of, and within the estate.

We have reviewed the operating margin and revised it from a figure of 1,700 to 2,000 places. As a result, the usable capacity has been revised downwards by 300.

This will be reflected in the published figures as from 2 November 2007. We will continue to keep the operating margin under review, and we will make any necessary further adjustments based on fresh analysis or operational experience as we continue to re-balance the prison estate.

PRIME MINISTER

Surveillance Commissioners

The Prime Minister (Mr. Gordon Brown): In accordance with Section 91 of the Police Act 1997, I have agreed to re-appoint the right hon. Sir Liam McCollum as a Surveillance Commissioner as from 1 October 2007 to 30 September 2010, and to re-appoint the right hon. Lord Sutherland and Sir Charles McCullough as Surveillance Commissioners from 1 November 2007 to 31 October 2010.

Sir Liam McCollum has served as a Surveillance Commissioner since 2004, Lord Sutherland since 2001 and Sir Charles McCullough since 1998.

TRANSPORT

Roadside Facilities Policy

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): I have today launched a six week Public Consultation on a proposed new policy for roadside facilities on England's strategic road network.

The draft policy has been prepared in light of responses to a previous 12-week call for evidence and is aimed at improving service to road users. Views are sought on the entirety of the policy which covers various issues, including:

the location of motorway service areas (MSAs)—determining the need for such sites and the spacing interval between them;

facilities at MSAs—the type of facilities, how they are signed and their standards;

service areas on trunk roads;

motorway rest areas:

lorry parking and

the provision and use of lay-bys.

Copies of the consultation document have been placed in the Libraries of the House.

Rail Freight

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): The Transport Innovation Fund was announced in the "Future of Transport" White Paper (July 2004). The productivity strand of this funding stream supports packages and schemes which are expected to make a major contribution to the UK's economy.

The Department for Transport has today announced a contribution of £132.5 million from this fund to enhance routes that will improve access to a number of our major ports. The improvements will deliver a number of benefits:

they will enable rail to carry more goods from the important and growing ports at Southampton, Felixstowe, Liverpool and on Humberside to other parts of the country including major conurbations and power stations; and

the Peterborough to Nuneaton scheme will facilitate sustainable inland transport of international trade flows moving via the major ports of Felixstowe by providing a crucial alternative to the increasingly busy rail routes via London.

The DFT welcomes the contributions made to the scheme by other partners including the port operators and owners, the Regional Development Agencies and Merseytravel.

Written Ministerial Statements

Tuesday 30 October 2007

CHILDREN, SCHOOLS AND FAMILIES

School Finances

The Minister for Schools and Learners (Jim Knight): I am announcing today our decisions following the consultation on schools' revenue balances which ended on October 26 2007.

All local authorities and schools have a responsibility to spend every penny of taxpayers' investment on children's learning. I want head teachers and governors to manage their schools' own finances, plan ahead with confidence and invest wisely. That is why we are funding them with the first ever three-year school funding settlement from 2008-2011.

My Department is absolutely right to take action when the net revenue surplus in school balances has more than doubled since 1999-2000 to £1.7 billion on 31 March 2007, with some schools' surplus balances running into seven figures and still growing. This revenue funding should be spent on today's children. It is intended for teachers' pay and day to day running costs, not capital spending which is funded separately.

I have already given local authorities clear powers to redistribute excessive and uncommitted surplus revenue. Our guidance judges as 'excessive' a secondary school carrying over more than 5 per cent. of its annual school income at the end of the financial year; and 8 per cent. of a primary or special school's income.

My Department has been consulting on an additional proposal for local authorities to be required to redistribute 5 per cent. of all surplus revenue balances held by schools in their area. It was never proposed that this money should come back to Whitehall or damage schools' financial independence. It would be recycled to local schools, for the benefit of local children and decided by local head teachers, through the local School Forums.

However, I recognise schools' concerns raised during the consultation. These included the retrospective use of end of year 2006-07 balances to redistribute a small proportion of those surpluses to other schools in 2008-09. I have listened carefully to that concern and I have ruled out any such retrospective proposal.

Schools were also concerned that the proposal would apply to all schools' revenue surplus balances and would not include a minimum level of surplus to be carried over from year to year; and could include the proceeds of schools' fundraising. These are all reasonable concerns that require further investigation.

I know that where schools retain a small surplus they are using sound financial management, such as putting money aside for extra staffing costs the following year or against unforeseen changes.

I have listened carefully, based on the responses from a range of stakeholders, and rather than proceed now we will continue to discuss these detailed concerns with schools and work with local authorities to lower excessive surplus revenue balances.

My Department will continue to monitor the overall level of surplus balances during the forthcoming spending review period. If the levels reported do not show a significant reduction we will come forward with further action, having resolved the technical issues, for implementation during the following spending review period.

This demonstrates our clear support for schools to invest wisely and use public money responsibly.

FOREIGN AND COMMONWEALTH OFFICE

Iraq

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): In my statement of 9 October, I outlined details of ex gratia assistance to be provided to Iraqi staff working for our armed forces and civilian missions in Iraq. This statement gives further details of the categories of staff who will be eligible to apply, the assistance which will be offered, and the procedures for applying.

In designing this policy, interested Departments have taken into account a number of factors. As I made clear in my statement of 9 October, we owe our Iraqi staff an enormous debt of gratitude for their dedicated service. HMG has directly employed many thousands of Iraqis since 2003 and has had indirect employment relationships with many more. Both fairness and realism demand that we focus on that sub-set of staff who have had the closest and most sustained association with us, in circumstances which we judge to be uniquely difficult. We have therefore established clear and transparent eligibility criteria which are, as far as possible, objective in nature.

In addition, the operational effectiveness of our armed forces and civilian missions, which depends in large part on the continued contribution of our Iraqi staff, must continue to be paramount. We need to preserve our ability to recruit and retain qualified Iraqi staff as we continue to discharge the obligations and responsibilities set out in the Prime Minister's statement of 8 October. Both the overall policy, and the design of the scheme in respect of serving staff, have been decided with this in mind.

Finally, we have taken into account the need to ensure that any assistance scheme, in particular in respect of admission to or resettlement in the UK, is practical, realistic and preserves the integrity of wider immigration and asylum policy. For these reasons, we have sought to ensure that admission to the UK is managed as far as possible in line with existing processes and programmes.

The assistance detailed in this statement is offered ex gratia and goes above and beyond the confines of what is lawfully or contractually required. It does not recognise an obligation, or imply a commitment, to assist locally-employed staff in other countries or theatres of operation, past, present or future. It reflects our judgement that the circumstances in which Iraqi locally-employed staff have served have been uniquely difficult.

Categories of staff

Assistance will be offered to Iraqi nationals who meet the eligibility criteria set out below and who work, or have worked, in Iraq in the following capacities:

as direct employees of the UK Armed Forces or the Ministry of Defence;

on Letters of Appointment from the British Embassy in Baghdad or the British Embassy Offices in Basra and the Kurdistan Region;

as direct employees of DFID or the British Council;

and to contracted staff who work or have worked in Iraq in the following capacities, provided that such staff worked in particularly close association with the UK as an integral and visible part of HMG operations, including having regular, substantial and sustained contact with UK official personnel and regular, substantial and sustained attendance at UK official sites:

under the direct authority of the head of the Basra Provincial Reconstruction Team;

for the British civilian police mission, or for international contractors engaged by HMG to carry out police training programmes; or

for DFID's Centre of Government, Ministry of Interior Capacity Building, Civil Society, Economic Reform, Infrastructure Services or Governorate Capacity Building Programmes.

Eligibility criteria for serving staff

Staff who are currently serving in these categories, or who were doing so on or after 8 August 2007, will be eligible to apply for assistance provided that:

they have attained 12 months' or more continuous service. (In this context, continuous does not refer to service in a single job or capacity. Iraqi staff who have moved between the different categories outlined above will be eligible provided that there was no break in service between moving between different categories and total length of service is 12 months or more); and

that they are (or were) redundant by their employer or that they are (or were) forced to resign their positions because of what we judge to be exceptional circumstances. Decisions on whether a resignation has taken place in exceptional circumstances will be made by representatives of employing Departments on the ground. Staff who are dismissed for misconduct will not be eligible for assistance.

Forms of assistance for serving staff

Staff in the prescribed categories who meet these criteria will be able to apply for one of the following three forms of assistance:

a one-off package of financial assistance. Eligible staff who choose this option will receive a payment equivalent to one month's salary for every two months that they were employed, up to a maximum payment of 12 months' salary. In addition, they will be able to claim 10 per cent. of the total sum for each dependant as defined below, up to a maximum of five dependants. Under this formula, the maximum payment would be 18 months' salary, and the minimum six months; or

Exceptional leave, outside the Immigration Rules. Iraqi staff and their dependants whose applications are successful will be granted entry clearance which will on arrival confer Indefinite Leave to Enter the UK, with no subsequent review. Staff eligible for this scheme will be referred directly by employing Departments. No applications for exceptional leave will be accepted unless directly referred by employing Departments. Assistance with transport to the UK will be provided for staff and dependants who receive leave to enter. On arrival in the UK, staff and dependants will be provided with a reception and integration package designed to establish them in accommodation and to provide them with advice on employment; or

the opportunity of resettlement in the UK through the UK's Gateway refugee resettlement programme. Provision has been made within the global Gateway programme for a significant number of places for Iraqi refugees in third countries, who are in need of resettlement, to be resettled to the UK. These places will include up to 600 places for staff and dependants who meet the criteria. Staff and their dependants wishing to avail themselves of this opportunity would need qualify as refugees under the 1951 Convention in a third country, and to meet the published criteria for Gateway resettlement. A package of financial assistance will be provided to those who are considered for resettlement under Gateway in order to allow them to support themselves during the screening process in a third country. Resettlement in the UK under the Gateway programme includes a full reception and social integration package.

Procedures for serving staff wishing to apply

In the first instance, serving staff who meet the criteria and who wish to apply upon being served with notice of redundancy or upon being forced to resign their job in extraordinary circumstances should contact their UK-based manager or supervisor.

Staff who have left our employ since 8 August 2007 may apply either to their former UK-based manager or supervisor, or follow the procedures set out for former staff. No applications for exceptional leave will be accepted unless directly referred by employing Departments. Staff outside of Iraq wishing to avail themselves of the opportunity for resettlement via the Gateway programme should also approach UNHCR.

Eligibility criteria for former staff

Staff who formerly worked for HMG in the capacities set out above will be able to apply for assistance provided that they fulfil all of the following criteria:

they worked as interpreters/translators, or in similarly skilled or professional roles necessitating the regular use of written or spoken English; and

they satisfactorily completed a minimum of 12 months' service (in this context, satisfactory means that they were not dismissed for misconduct or similar reasons); and

they were in our employ on or after 1 January 2005 (but before 8 August 2007).

We may review these criteria for former staff in the light of experience.

Forms of assistance for former staff

Former staff who meet the above criteria will be able either to apply for a one-off package of financial assistance, as set out above; or to avail themselves of the opportunity for resettlement in the UK, together with their dependants, via the Gateway refugee resettlement programme as set out above. Having taken one package they will not be eligible to apply for other forms of assistance.

Details of telephone numbers and e-mail addresses for former staff who meet the above criteria and wish to apply for assistance will be released during the course of this week through a variety of means, including employing Departments' websites and the local media.

Dependants

For the purposes of this scheme, the following will be automatically considered as dependants:

spouse or civil partner;

children under the age of 18 who are not leading independent lives (that is, are unmarried or not civil partners, or have not formed an independent family unit);

mother or grandmother who is a widow aged 65 years or over;

father or grandfather who is a widower aged 65 years or over;

parents or grandparents travelling together of whom at least one is aged 65 or over.

In addition, relatives who fit the categories below, who are also wholly or mainly dependent financially on the principal applicant, and have no other close relatives in their own country to whom they could turn for financial support, may be considered for inclusion on a case-by-case basis:

parent or grandparent under the age of 65 if they would be left living alone in Iraq in the most exceptional compassionate circumstances;

son, daughter, sister, brother, uncle or aunt over the age of 18 if they would be left living alone in Iraq in the most exceptional compassionate circumstances.

HOME DEPARTMENT

Passports

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): Following a review by the Identity and Passport Service, I have decided that the present requirement for parental consent to passport applications for people aged 16 or 17 should be dropped.

This brings the requirements into line with the age at which adult passports are issued. The decision recognises the fact that many people of that age have left home and are taking day to day responsibility for their lives. The age of 16 is recognised in Scottish law as the age from which young people have the right to determine their own needs and court orders in respect of young people elsewhere in the UK normally expire when the person reaches 16. It is also the age at which the Child Abduction Act 1984 no longer applies, at which National Insurance numbers are issued and compulsory education ends.

Parental consent will still be needed where a court order requires it or the young person has a mental disability.

The Identity and Passport Service will also no longer enquire into whether all those with parental responsibility have agreed to a change of name by a person aged 16 or 17. A person of 16 or over may legally change their own name and there is no requirement in law for parental consent.

At the same time a new requirement will be introduced for applications for passport renewal to be countersigned for applicants aged 11 or under. This is to confirm identity when passports originally issued to very young children are renewed five years or more later when their appearance will have changed considerably. It is important that we do positively identify children as a safeguard against child substitution to facilitate abduction or illegal entry. At present parents applying to renew passports for children are advised to obtain a countersignature if the child's appearance has significantly changed; this will be replaced by the new simple objective requirement.

These changes will be brought into effect during December, when the necessary changes to application forms and IPS systems have been made.

G6 Meeting

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): The informal G6 group of Interior Ministers from France, Germany, Spain, Italy, Poland and the UK held their most recent meeting in Sopot, Poland on 17-18 October. The Home Secretary attended on behalf of the United Kingdom. A copy of the meeting's conclusions has been placed in the Library of the House.

Ministers agreed that the G6 was not the best forum to discuss the future of justice and home affairs (JHA) business in the European Union. They did however share a common interest in seeing future developments within the EU focus on effective and practical co-operation.

In discussing the external dimension of JHA, the Ministers agreed there was a real need for operational dialogue with third countries to be fostered in all policy areas, in particular in the fight against drug trafficking and illegal immigration. In particular all noted that it was not possible to deliver on security in the European Union without such engagement. Within that context there was an emphasis on taking forward the EU's Global Approach to migration in Africa and the East and South-East neighbourhoods.

On counter-terrorism, Ministers discussed the terrorist threat and measures to counter it, including the deportation of suspected terrorist to third countries. Ministers reaffirmed in the conclusions of the meeting their commitment to working together to strengthen States' ability to combat terrorism. The Home Secretary also expressed our continued support to the EU police mission to Afghanistan.

The next meeting of the G6 will be held in Spain in the first half of 2008.

Immigration

The Minister for Borders and Immigration (Mr. Liam Byrne): I am today announcing that the Government have decided to maintain the restrictions on the labour market access of migrants coming to the UK from Romania and Bulgaria (the A2) until at least the end of 2008.

Last year the UK decided to open access to our labour market only gradually to nationals of Bulgaria and Romania.

These arrangements have been reviewed and a balance struck between the needs of the UK labour market, the wider impact of the migration of accession state nationals on the UK and the positions adopted by other EU countries (as that affects access to the UK labour market).

We have looked therefore at the evidence of the benefits and the impacts of migration from the A2 and from the A8 (eight countries which joined the EU in 2004), which we have used to inform this decision.

While initial evidence shows that there is a clear positive contribution to the economy from migration, there are some reports of pressures in other areas, including public services. The prudent balance is therefore to maintain restrictions as we monitor the medium to long term effects of accession migration.

From 2008, applications to the existing "Seasonal Agricultural Workers Scheme" will be accepted only from Romania and Bulgaria as was announced last year. The overall number of migrants coming to the UK through SAWS is unchanged.

The UK also set up the Workers Registration Scheme following the EU accession of eight East European countries (the A8) on 1 May 2004, this scheme continues to operate.

JUSTICE

Inquests (Deaths of Servicemen)

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): My right hon. Friend the Secretary of State for Defence and I wish to make the following statement to the House about the inquests of servicemen and women who have died overseas. All casualties suffered by the UK armed forces are a source of profound regret. UK service personnel have put their lives on the line to help build strong, stable and democratic nations and protect the interests of the United Kingdom, and we cannot pay high enough tribute to the job they are doing, or the sacrifice some of them have made. We are committed to assisting the families of UK Service personnel who have died on operations overseas when their loved ones are returned to the UK.

We made statements to the House on 5 June 2006, *Official Report*, col. 4WS, 12 October 2006, *Official Report*, col. 26WS, 18 December 2006 *Official Report*, col. 112WS, 29 March 2007, *Official Report*, col. 121WS and 20 June 2007, *Official Report*, 97WS, with information about the conduct of inquests by the Oxfordshire and Wiltshire and Swindon coroners and today we are announcing progress which has been made since the written ministerial statement in June. This statement shows the position as at 22 October.

Background

Coroners are independent judicial officers appointed and paid for by the relevant local authority. Their officers and staff are employed by the local authority and/or the police.

Each death of a serviceman or woman killed in an operation overseas whose body is repatriated to England and Wales is subject to an inquest. The inquest—both the investigation into the death and the holding of the public hearing into the death – is conducted by the coroner with jurisdiction which derives from where the body lies.

In the case of deaths of servicemen and women whose bodies were flown into RAF Brize Norton until it ceased to be used for repatriations on 31 March 2007, the Oxfordshire coroner, Nicholas Gardiner, has had initial jurisdiction. In the case of deaths of servicemen and women whose bodies have been flown into RAF Lyneham since 1 April 2007, the Wiltshire and Swindon coroner, David Masters, has initial jurisdiction.

The coroner has powers under the Coroners Act 1988 to transfer jurisdiction to another coroner whilst the body is still lying within his district and with the consent of the other coroner. Since late December 2006 the Oxfordshire coroner's practice was to transfer jurisdiction to coroners closer to the next of kin wherever possible; this practice has been continued by the Wiltshire and Swindon coroner since 1 April 2007. Some inquests of deaths of service personnel in Iraq and Afghanistan before December 2006 have also been transferred to other coroners.

Progress with inquests

At the time of the June 2007 written ministerial statement, we reported that since additional funding had been provided by the Government to assist the Oxfordshire coroner, 72 inquests had been held: 62 into the deaths of servicemen and 10 into the deaths of civilians in Iraq whose bodies were repatriated via RAF Brize Norton.

Since June, a further 28 inquests have been held into the deaths of servicemen who died in operations and exercises overseas whose bodies were repatriated via RAF Brize Norton. This includes the deaths of six servicemen in the Czech Republic and one who died in California. This makes a total of 90 inquests for service personnel held since June 2006. Since June inquests into the remaining four civilians who died in Iraq whose bodies were returned via RAF Brize Norton have been held bringing the total to 14 civilian inquests and 104 inquests overall.

Prior to June 2006, the Oxfordshire coroner had heard 33 inquests into deaths of service personnel in Iraq and Afghanistan. Prior to 1 April 2007, the Wiltshire and Swindon coroner had heard five inquests into the deaths of service personnel in Iraq and Afghanistan. Seven other inquests into the deaths of service personnel in Iraq and Afghanistan which had been transferred to other coroners have also been held. These inquests are now included in the overall figures of inquests which have been held.

There has been in addition the inquest into the death of a serviceman Private Johnathon Dany Wysoczan, who arrived home Iraq from injured but subsequently died from his injuries. The inquest was held by the Birmingham and Solihull coroner, Aidan Cotter.

Overall, since the operations began there have been a total of 125 inquests into the deaths of service personnel who have lost their lives in Iraq and Afghanistan, or died in the UK following injuries in those operations.

In two further cases, no formal inquest was held, but the deaths were taken into consideration during inquest proceedings for those who died in the same incident.

Open inquests

(i) Oxfordshire coroner's jurisdiction

There are 50 inquests to be concluded into the deaths of service personnel in Iraq and Afghanistan whose bodies were repatriated via RAF Brize Norton prior to 31 March 2007. The Oxfordshire coroner has retained jurisdiction in 41 of these cases; nine of these inquests have been transferred to coroners closer to the next of kin.

Two of the open inquests predate the announcement of additional resources for the Oxfordshire Coroner. The oldest outstanding military inquest in his jurisdiction is the inquest into the death of Fusilier Gentle on 28 June 2004 which is due to start on 29 October 2007. When this inquest has been held, the oldest outstanding military inquest will be into the death of Lieutenant Palmer who died on 15 April 2006. The Coroner has decided to await the completion of a Board of Inquiry covering Lieutenant Palmer's death and the inquest will not be heard until 2008.

Of the other 48 inquests, inquest hearing dates have been set in 12 cases and pre-inquest hearing dates have been set in four cases. In 32 cases investigations are ongoing but it has not yet been possible for a pre-inquest date to be set.

(ii) Wiltshire and Swindon coroner's jurisdiction

The Wiltshire and Swindon Coroner, David Masters, does not have a backlog of overseas military inquests in his jurisdiction. Additional resources have, however, recently been provided by the Government to ensure that a backlog will not build up in his jurisdiction now that fatalities are being repatriated via RAF Lyneham. Mr Masters will now be able to engage an additional assistant deputy coroner and coroner's officer and administrative support. He will also be able to provide appropriate accommodation to hold military inquests. These extra resources will help to ensure that bereaved families are responded to sensitively and speedily following conclusions of the investigations. Mr Masters intends to continue his practice of transferring military inquests to a coroner closer to the bereaved family, where possible.

There is one open inquest hearing relating to fatalities which were repatriated via RAF Lyneham prior to the first ministerial statement in June 2006. These relate to the deaths of 10 crew members who died together in the crash of Hercules XV179 on 30 January 2005. The coroner held a pre inquest hearing in February 2007 and plans to hold a further pre inquest hearing shortly now that he has received a specialist's report into the crash.

There are 62 open inquests of service personnel who died in Iraq and Afghanistan whose bodies were repatriated via RAF Lyneham after 1 April 2007. The Wiltshire and Swindon coroner has transferred 27 inquests to coroners closer to the next of kin, has two further transfers pending, and has retained 33 inquests.

(iii) Inquests into the deaths of service personnel who returned home injured

There are four inquests which remain to be held of service personnel who returned home injured and subsequently died of their injuries.

We shall continue to keep the House informed on a quarterly basis about progress through the remaining inquests. I have placed a table in the libraries of both Houses which outlines the status of all cases, the date of death of each case and details of the coroner who conducted the inquest. Copies are also available in the Vote Office and the Printed Paper Office.

'We are very grateful for the efforts of all the coroners involved in conducting these inquests.

Liaison with the next of kin

It is of the greatest importance that the next of kin have full information about the progress on the inquest of their deceased next of kin.

We have been working on better supporting bereaved military families. The written ministerial statement issued on 7 June by the then Minister of State, Ministry of Defence, my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Adam Ingram), gives details of the support which is now being provided and we continue to look for opportunities to improve our procedures.

TRANSPORT

Transport System

The Secretary of State for Transport (Ruth Kelly): I am today publishing a Command Paper—'Towards a Sustainable Transport System: Supporting Economic Growth in a Low Carbon World' (Cm 7226)—setting out the Government's approach to transport policy in light of the Eddington Study and the Stern Review. Copies of the Paper have been made available in the Vote Office, the Libraries of both Houses and are also available on the Department's website.

The Paper first describes how the Government are responding to the recommendations made in the Eddington study to improve transport's contribution to economic growth and productivity, and how we are ensuring that transport will play its part in delivering the overall level of reductions in carbon emissions recommended by the Stern Review of the Economics of Climate Change.

Second, it sets out the Department for Transport's ambitious policy and investment plans for transport in the period to 2013-14. Third, it proposes a new approach to longer term transport strategy, building on the model recommended by Sir Rod Eddington, and explains how we will engage with passengers, users, the transport industry and other stakeholders as we develop and implement that process.

Alongside the Paper, and as part of the response to Sir Rod's study, I am also today publishing a consultation document—"NATA Refresh: Reviewing the New Approach to Appraisal"—which seeks views on how improvements should be made to the Department's transport appraisal framework. The consultation document is available on the Department's website and a paper copy will be placed in the Libraries of both Houses.